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# CONSTITUTIONAL REFORMS IN MYSORE

Report of the Committee on Constitutional Reforms

1939

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# CONSTITUTIONAL REFORM IN MYSORE

## REPORT

OF THE

## COMMITTEE ON CONSTITUTIONAL REFORM

1939

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ಪ್ರಾಪ್ತಿ ಕ್ರಮಾಂಕ Accession No. BL 1919
ದಿನಾಂಕ Date.....

BANGALORE:

PRINTED BY THE SUPERINTENDENT AT THE GOVERNMENT PRESS

1939

**Price One Rupee.**

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*N.B.*—The separate notes and minutes of dissent are printed in another volume.

# PROCLAMATION

OF

HIS HIGHNESS MAHARAJA

## SRI KRISHNARAJENDRA WADIYAR BAHADUR IV OF MYSORE

THIS TENTH DAY OF ASVIJA BAHULA OF THE PRAMATHI SAMVATSARA, BEING THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO OF THE SALIVAHANA ERA,

CORRESPONDING TO

THE SIXTH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, IN THE THIRTY-EIGHTH YEAR OF MY RULE.

WHEREAS the welfare and advancement of MY people have been MY constant aim and endeavour, and

WHEREAS the fundamental identity of interests between MY people and MY Government has found satisfactory and progressive fulfilment in the measures adopted by ME from time to time, and

WHEREAS it is now MY desire to take further steps to increase the association of the representatives of MY people with MY Government in the administration of the State in pursuance of MY cherished and declared policy,

I HEREBY ORDAIN AS FOLLOWS :—

**1.** The Representative Assembly which was established fifty-eight years ago by command of MY beloved father, HIS HIGHNESS SRI CHAMARAJENDRA WADIYAR BAHADUR of revered memory, and which was placed on a statutory basis with enlarged functions by ME under Act XVIII of 1923, and the Legislative Council which was established by ME under Act I

of 1907 and whose powers were enhanced by ME under Act XIX of 1923 have hitherto been functioning under separate Acts. They will now be brought into integral relationship with one another, and will henceforth function under a consolidated law relating to the constitution of Mysore. Privileges of freedom of speech and immunity from arrest under certain conditions will be conferred on the members of both Houses, and their term which is now three years will be extended to four years.

2. The powers and scope of the Representative Assembly will be enlarged, while its character as a body for consultation and reference will still be maintained. Its strength which is at present fixed at a maximum of 275 will be raised to 310 ordinarily, with a view to providing better representation for minority communities and for economic and other special interests.

3. The privilege already enjoyed by the Assembly of being consulted with regard to the general principles of proposed measures of legislation will be widened so as to provide that in future the Representative Assembly will invariably be consulted in regard to any legislative measure before it is introduced into the Legislative Council, and that it will have the right of considering the general principles underlying any Bill or any of its provisions and of proposing amendments thereto. The opinion expressed on any legislative measure by the Assembly will ordinarily be accepted by MY Government when supported by a prescribed majority, although in exceptional cases where it may be necessary in the public interest or for the ensuring of safety and good government to proceed with a Bill in the Legislative Council notwithstanding the opinion of the Assembly, MY Government will do so, after issuing a statement giving reasons therefor.

4. Subject to the existing exceptions, the Assembly will have the right to consider the State Budget and pass resolutions not only on the general principles and policy underlying the Budget, but also on any of the major heads of expenditure, without reference, however, to any particular grants or appropriations. The existing restriction regarding discussion on expenditure pertaining to MY Military Forces will be relaxed. The number of resolutions on matters of public interest, questions and representations

which may be sent up will be increased, and the duration of the sittings of the Assembly will also be augmented, so as to allow larger opportunities for the introduction and disposal of non-official business.

5. In the case of legislative, financial and administrative measures under contemplation, MY Government will, as far as possible, consult the Assembly and ascertain its views on such measures before making a final decision.

6. The strength of the Legislative Council will be further increased, and its composition revised so as to increase the elected element therein, and ensure a statutory elected majority. Enlarged representation will be provided for the territorial constituencies as well as for the special interests and minorities, and the ordinary strength of the Council will be raised from 50, as at present, to 68, 44 places being filled by election. The Council will have a non-official President, who will be elected by the House after the first term, and a non-official elected Deputy President from the commencement, thus making the House a more effective instrument for voicing the wishes of MY people.

7. In respect of the State Budget, the Legislative Council has already been given the power to deal with demands for grants except in respect of excluded subjects and subject to MY Government's power to restore a provision, if they consider such restoration necessary for the carrying on of a department or for discharging Government's responsibility, and, in cases of emergency, to authorise such expenditure as may be necessary for the safety and tranquillity of the State. In future, such action will be taken only after a formal certification by MY Dewan.

8. Along with the grant of enlarged powers and privileges to the Representative Assembly and the Legislative Council, it is MY further desire that the electorate for these bodies should be further widened in some respects. As in the case of the representatives of the urban and rural constituencies, the representatives of minority communities will also be returned by direct election through the general constituencies wherever possible, and those of the special interests ordinarily by

election through specially formed constituencies. The property qualification for voters for the Representative Assembly in rural areas, and the educational qualification for voters for the Representative Assembly will be substantially reduced. In the case of women, the educational qualification will be further reduced for both the Representative Assembly and the Legislative Council. The operation of certain existing disqualifications of voters to both Houses will be relaxed.

**9.** The elected representatives of the people will henceforward be given a place in MY Executive Council, so that the Legislature may be able more largely to influence the nature of the advice and assistance which MY Council tenders to ME. Accordingly MY Executive Council will in future consist of MY Dewan and not less than four Ministers, of whom it is MY desire that not less than two should be non-officials selected from among the elected members of the Representative Assembly and the Legislative Council, such Ministers being eligible to hold any portfolio of the administration.

**10.** MY Government will have power to make rules in regard to all matters of detail not provided for in this Proclamation or in the Constitution Act, and to add to, amend, vary or rescind such rules, whenever necessary or expedient, but not so as to curtail in any manner the powers and privileges hereby granted.

**11.** MY Government will take immediate steps to give effect to this Proclamation, and will adopt such measures as may become necessary from time to time to carry out MY intentions. I have every confidence that MY people will utilise these larger opportunities for public service and usefulness to the State with the same sense of responsibility as in the past, and in a spirit of mutual toleration and goodwill. Under the Divine blessing and guidance may the measures now inaugurated serve to promote the abiding happiness of all classes of MY beloved subjects!

Seal.

KRISHNARAJA WADIYAR.

# GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

## GENERAL AND REVENUE DEPARTMENTS.

**G. O. No. 1849-900—C. B. 58-39-1, dated 6th November 1939.**

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**Constitutional Reform in Mysore.**

Passes orders on the recommendations of the Committee appointed to consider the question of Constitutional Reform in Mysore.

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READ—

(1) G. O. No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the question of Constitutional Reform in Mysore.

(2) G. O. No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, nominating Mr. S. C. Malliah as a member of the Committee.

(3) G. O. No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938, appointing five more members to the Committee.

(4) G. O. No. 1634-70—C. B. 165-37-24, dated 16th November, 1938, appointing *Rajadharmapravina Diwan Bahadur* Mr. P. Mahadevayya in place of Mr. K. V. Anantaraman (resigned).

(5) Letter dated 30—31st August, 1939 from the Chairman of the Committee submitting the Report of the Committee.

ORDER NO. 1849-900—C. B. 58-39-1, DATED BANGALORE, 6TH NOVEMBER 1939.

Appointment of the Committee on Constitutional Reform.

In pursuance of the undertaking given by them to the Legislative Council in January, 1938, Government in their Order No. 2691-2751—C. B. 165-37-1, dated the 1st April, 1938, appointed a special Committee consisting of two official and seventeen non-official members, with *Rajasabhabhushana Diwan Bahadur* Mr. K. R. Srinivasa Iyengar as Chairman, for the purpose of examining the working of the representative institutions

in the State and formulating comprehensive proposals as to the further changes which might be desirable in order to secure the steady and harmonious constitutional progress of the State. The personnel of the Committee was enlarged or altered from time to time according to the several Government Orders read above. As thus enlarged the Committee was composed of twenty-six members including the Chairman. Government regret that five members belonging to the Mysore Congress dissociated themselves from the work of the Committee from January 17, 1939.

Committee's Report.

2. The Report of the Committee, which was submitted to Government on the 31st August, 1939, is signed by the remaining twenty-one members, subject in some cases to separate notes or minutes of dissent. The Committee has carried out its task with insight and thoroughness, and submitted a Report which will stand out as a landmark in the constitutional history of Mysore. Government desire to convey their thanks to the Chairman and the members of the Committee for the excellent manner in which they have discharged their task.

3. The Committee asked for opinions from the public, and invited the members of the Legislative Council and the Representative Assembly as well as other prominent persons and associations in the State to send in their considered views on the subject. Over a thousand communications were sent out, and 440 replies were received by the Committee and duly taken into consideration. The Committee also took the oral evidence of selected representatives of the public, and examined 31 witnesses. The Committee has thus taken account of all shades of public opinion in the country before arriving at its conclusions. On the Committee itself practically all schools of thought were represented.

Seeing that already nearly a year and a half has elapsed since the appointment of the Committee, Government are of opinion that it is in the public interest to deal with the recommendations of the Committee at once. Careful and detailed consideration has been given to the Report of the Committee as well as to all other views placed before the Government, and the decisions arrived at in regard to the general scheme have been

embodied in the Proclamation which His Highness the Maharaja has been pleased to promulgate. Government will now proceed to explain these decisions with reference to the recommendations of the Committee and to pass orders regarding matters of detail.

Continuance of the Representative Assembly and the Legislative Council.

4. The history of representative institutions in Mysore is a long and interesting one. This history has been touched upon in the Government Order relating to the Constitutional Reforms of 1923, and also in the Government Order of the 1st April, 1938, appointing the Committee whose recommendations are now under consideration. The growth and working of these bodies has been reviewed in detail by the Committee in Chapter II of its Report, which gives a clear perspective of the course of constitutional evolution in Mysore during the last six decades.

The two popular institutions, the Representative Assembly which is peculiar to Mysore and the Legislative Council, whose growth has proceeded *pari passu* with the economic development of the State and the political advance of the people, have, each in its own sphere, been serving as a forum for bringing the wants and views of the people to the notice of Government. The Representative Assembly is a unique democratic institution which Mysore has evolved in order to meet her own needs; and the bulk of the Memoranda received and the witnesses who were examined before the Committee, especially those from the rural parts, are emphatic about its usefulness and the necessity for its continuance. The two Houses do not, however, correspond to the two chambers of a bicameral legislature. It may well be said that the Representative Assembly embodies the oriental conception of government, while the Legislative Council represents its occidental conception. The two stand in a peculiar relationship to each other. They are not strictly co-ordinate, but supplement each other's functions.

Government are in entire agreement with the recommendation of the Committee that both Houses should be continued in the new constitution, practically in their present form and character, but with certain enlarged powers and functions.

Representative Assembly and legislation.

5. At present the Representative Assembly has to be consulted by the Government with regard to proposed legislation. But the draft bill itself need not be placed before the Assembly, and it is sufficient if a statement of the general principles underlying it is placed before the House to ascertain its opinion. Such consultation may be either prior to the introduction of the bill in the Legislative Council or at the earliest opportunity after such introduction, but before it is finally passed. There is also a provision that the Assembly need not be consulted at all in cases of extreme urgency in which the Government propose that the ordinary rules of business of the Legislative Council should be suspended and the bill passed at a single sitting of the Council. The opinion expressed by the Representative Assembly is not binding in character and it is open to the Government to accept or reject it without giving reasons. Finally, a member of the Assembly cannot bring a private bill before the House for its consideration.

Government: bills prior consultation to be obligatory.

6. The Committee has now recommended that whenever any legislative measure is intended to be placed permanently on the statute book, the Assembly should invariably be consulted before the bill is introduced into the Legislative Council; and that in addition to the statement of general principles underlying the bill, a copy of the bill itself should be placed before the Assembly and its opinion ascertained. Government accept the recommendation.

Mode of consultation.

Opinion in the Committee was almost equally divided on the question whether, when a bill thus comes up before the Assembly, it should have the power of considering, as at present, only the principles underlying the bill and any of its provisions or whether its powers should be extended to the consideration of the bill in detail, clause by clause. The majority favour the latter alternative. Government, after a careful consideration of the position, agree with the minority, that the Assembly would be handicapped in the exercise of such powers by reason of its size and composition, and also that the procedure suggested would lead to needless delay in the process of legislation. They therefore consider that the Assembly should be entitled to express its opinion only on the general principles

underlying a bill or any of its provisions, and to propose amendments thereto but not to propose verbal amendments to the clauses of a bill.

The Committee has recommended that seven days' previous notice should be given of any amendment which may be proposed by a member, if he desires the House to divide and vote in respect of his amendment. Government, however, consider that this will lead to difficulties in practice and that it is unnecessary to lay down any restriction in this respect, as verbal amendments to clauses will not be allowed.

Effect of Assembly's opinion.

7. Government agree with the Committee that the opinion of the Assembly, especially when supported by a large majority, should carry due weight. They accordingly accept the Committee's suggestion that when the principles of a bill or any of its provisions are opposed or amended by a majority of members forming not less than two-thirds of the total strength of the Assembly, the verdict of the House should ordinarily be accepted by the Government.

The Committee points out, however, that there may be exceptional cases where the Government may find it necessary, in the public interest or for ensuring safety and good government, to proceed with a bill in the Legislative Council notwithstanding the adverse opinion of the Assembly. It recommends that in such cases it should be open to the Government to introduce the bill into the Legislative Council, with such modifications as may be deemed desirable by Government in the light of the opinions expressed by the Assembly, after issuing a statement giving reasons for its decision, a copy of such statement being sent to the members of the Representative Assembly as well as the Legislative Council.

Subsequent stages of legislation.

Government accept this recommendation, as well as the subsequent procedure suggested. This means that after a bill is passed by the Assembly, it may be introduced into the Legislative Council with or without the modifications proposed by the Assembly, and that, when the bill is finally passed by the Council, it need not be placed again before the Assembly but may be submitted to His Highness the Maharaja for assent together with a statement of the opinions expressed by the Assembly thereon.

Private Members' bills.

8. Government accept the Committee's recommendation that a member of the Representative Assembly should be allowed to place a bill before the House for its consideration, after obtaining the permission of the President. Any such bill, if thrown out by a majority of the members present and voting, will not be proceeded with. The same procedure will be adopted in the case of any private member's bill proposed to be introduced into the Legislative Council and placed before the Assembly to ascertain its opinion.

Emergency legislation.

9. Under the provisions of section 9 (2) of the Representative Assembly Act, Government may in cases of extreme urgency place a measure on the statute book permanently without consulting the Assembly. Government have now accepted the Committee's recommendation that prior consultation of the Assembly should be obligatory in all cases where it is proposed to place a legislative measure permanently on the statute book. Emergencies necessitating legislation will therefore be met in future by the exercise of the power conferred under the Legislative Council Act of framing temporary regulations. These temporary regulations will have the force of law ordinarily for a period of six months. But in view of the fact that this interval might not always be sufficient to allow for consultation of the Assembly, the subsequent passage of the bill in all its stages in the Legislative Council and receiving His Highness's assent, the Government will take power, as recommended by the Committee, to extend, if necessary, the period of operation of any emergent enactment by a further period of six months.

Excluded subjects.

10. Under the provisions of the Legislative Council Act as in force at present, the Council is not empowered to consider any measure relating to or affecting :—

(*a*) the Ruling Family of Mysore ;

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;

(*c*) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;

(*d*) the provisions of Legislative Council Act No. XIX of 1923 :

(*e*) the provisions of the Mysore Representative Assembly Act No. XVIII, 1923 ; or

(*f*) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by Government.

In future, in view of the fact that the members of the Representative Assembly will have the privilege of bringing bills for consideration in the House, these exclusions will be made specifically applicable to the Assembly also.

Discussion regarding changes in the constitution of the two Houses.

11. In this connection, the Committee has recommended that, apart from legislation, it should be open to either House to discuss any subject relating to changes in the constitution and also to entertain resolutions and representations in this behalf. It has also suggested that the existing restriction which precludes each House from suggesting modifications of the constitution of the other House should be removed, and that resolutions proposing amendments to the constitution of the one or the other may be admitted with the previous sanction of the Dewan. Government are, however, of opinion that it would be inadvisable to allow either House to discuss or suggest modifications regarding the constitution of the other, as this is a matter affecting the relationship between the two Houses. Moreover the members of one House may not also have sufficient acquaintance with the conditions affecting the working of the other to be in a position to suggest any useful modifications.

Government consider that the existing restriction may therefore stand.

Bills affecting religion, etc.

12. The Committee has recommended that, with a view to safeguarding religious rights or usages, especially of the minority communities, previous sanction should be made a condition of the introduction in either of the Houses of any measure affecting the religion, religious rights or usages of any class of His Highness's subjects. Opinion in the Committee was, however, almost equally divided on the point whether the previous sanction should be that of His Highness or of the Dewan. Government consider that the existing provision that no measure of any description shall be introduced in the Council

without the previous sanction in writing of the Dewan, is adequate for meeting such situations and that it will be sufficient if this is made specifically applicable to the Representative Assembly also.

Finance: Excluded heads of expenditure.

13. The Assembly already possesses the right of being consulted with regard to all proposals for the levy of new taxes or the enhancement of existing taxes. The budget is laid before the Assembly in the form of a statement which it is empowered to discuss, with the exception of certain heads of expenditure excluded from its purview. The exclusion of these heads is a necessary corollary to similar exclusions in the field of legislation. In respect of the following items, the proposals of the Government for the appropriation of revenues or other moneys for expenditure are not now open to discussion either in the Representative Assembly or the Legislative Council, nor are they liable to be submitted to the vote of the Legislative Council :—

(i) the Palace, including the staff and household of His Highness the Maharaja;

(ii) the Military Forces of His Highness the Maharaja;

(iii) the Pensions of public servants;

(iv) items of expenditure relating to or affecting—

(a) the relations of His Highness the Maharaja with the Paramount Power or with other States;

(b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(v) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;

(vi) expenditure of which the amount is specified by or under any law.

Expenditure on Military Forces.

14. The Committee has recommended that discussion on item (ii) *viz.*, Military Forces of His Highness the Maharaja (excepting Palace Troops), may be allowed both in the Assembly and the Council, although no resolution or voting need be permitted thereon.

Government accept this suggestion. The other heads in the list will, as recommended by the Committee, continue to be excluded from the purview of both Houses.

15. With regard to the budget, the estimated annual revenue and expenditure of the State is now laid before the Assembly in the form of a statement, which it is empowered to discuss with the exception of the excluded heads already referred to. Resolutions can also be moved by any member on the general principles and policy underlying the budget, but not with reference to particular grants or appropriations. The Committee recommends that the Assembly's power over the budget may be extended to the moving of resolutions on any of the major heads, but without reference to particular grants or appropriations included therein. As a matter of fact, Government have been admitting such resolutions and they have no hesitation in accepting the suggestion of the Committee which only confirms the existing practice. This will enable the Assembly to raise specific issues relating to the expenditure of the several departments. Budget.

16. Government are in agreement with the Committee, which has reiterated the opinion of the Seal Committee, that it is not safe to allow specific money grants to be dealt with by two sets of people's representatives in two different Houses. They also agree with the Committee's view that no proposal for the imposition of taxation or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues should be made except on the recommendation and responsibility of the Executive. This principle is one of the recognised canons of public finance. Proposals for enhancement of grants.

17. The right to move resolutions on matters relating to the public administration was first conferred on the Assembly under the Reforms of 1923. At present, the number of general resolutions that may be moved at a session is fixed for each district. Thus the districts of Bangalore and Mysore may each send up four resolutions and the other districts three each for the Dasara Session; and two each and one each respectively for the Budget Session. In addition, it is provided that not more than one resolution concerning any minority or special interest may be sent up by any member representing such interest, subject to the usual restrictions. The order in which the resolutions are to be moved is at the discretion of the President. Resolutions.

Abolition of the system of district meetings for the selection of resolutions, etc.

18. The Committee now recommends that every member of the Assembly may send up one resolution for each session, Budget and Dasara; that the number of days allotted for the discussion of resolutions may be increased; and that the order in which resolutions are to be discussed may be determined by the drawing of lots. The Committee has recommended the abolition of the method now in use by which the resolutions to be sent up are selected at a meeting held at the District Headquarters under the presidentship of the Deputy Commissioner. It is of opinion that the method is prejudicial to minority parties. Government consider that there is some force in this criticism, and accordingly accept the Committee's recommendation, and direct that the present system of selecting at preliminary meetings in each district, the resolutions, representations and interpellations which are to come up before the Assembly may be abolished, and that the members may be allowed to send their resolutions direct to Government, the order in which resolutions are to be discussed being determined by drawing lots.

Interpellations.

19. The number of questions which may be sent is now fixed at eight each for the districts of Bangalore and Mysore and six each for the other districts for each session. Government accept the Committee's recommendation that each member may be allowed to send up one question for each session, that a preliminary selection is unnecessary, and that no maximum limit need be placed on the total number of questions to be sent by the members for any session. Supplementary questions may be allowed at the President's discretion.

Representations.

20. Similarly, in the case of representations, each member will be allowed to send one subject for each session, as recommended by the Committee. Government agree with the Committee's suggestion that a matter falling within the competence of a local body or officer should not ordinarily be made a subject of representation, and that if any such local subjects are sent up by the members they may be referred by the Government to the competent authority for disposal. This merely represents the existing practice. Government also accept the Committee's suggestion that a statement should be placed before the House regarding the action

taken by them in respect of what they regard as local subjects.

21. The Committee considers that it is sufficient if there should ordinarily be two sessions of the Assembly every year as at present, one during Dasara and one at Budget time. Sessions of the Assembly.

Government agree with this view.

22. It is now provided that the maximum duration of the sessions shall not exceed 8 sitting days for the Dasara Session and 6 sitting days for the Budget Session, it being open to the President to extend the term of any session for the completion of Government business. The Committee is of opinion that sufficient time is not being allotted at present to non-official business, *viz.*, resolutions and representations; and that many of these do not come up for discussion at all, but lapse for want of time. It therefore recommends that the time allotted for the consideration of representations and resolutions should be increased and the maximum period for the Dasara Session should be raised to 14 days and the Budget Session to 10 days. Government, while agreeing that greater scope should be allowed for the consideration of resolutions and representations, consider that the periods suggested by the Committee are too long. They therefore direct that the period for the Dasara Session be fixed at 10 days and that for the Budget Session at 8 days as follows:— Order of business.

*Dasara Session—*

| | |
|---|---|
| Address of the Dewan-President, questions and Government business ... ... | 2 days. |
| Representations (not more than)... ... | 5 „ |
| Resolutions (not more than) ... ... | 3 „ |
| Total ... | 10 „ |

*Budget Session—*

| | |
|---|---|
| Dewan's Address, etc. ... ... | 1 day. |
| General discussions on the Budget (not more than) ... ... | 2 days. |
| Resolutions on the Budget (not more than) ... | 2 „ |
| Representations (not more than) ... | 2 „ |
| Other resolutions ... ... | 1 day. |
| Total ... | 8 days. |

Consultation on important measures and policies.

23. The Committee has recommended that in the case of legislative, financial and administrative measures under contemplation, Government should as far as possible consult the Assembly and ascertain its views on such measures before taking a final decision. The Committee recognises that it has already become a practice or convention for Government to consult the Assembly on all important measures, but it considers that a formal recognition of the practice, combined with more frequent resort to it, whenever the Government could do so without prejudice to their own initiative and responsibility, would not merely enhance the status of the Assembly, but would also be one more means of establishing a closer nexus between the people and the administration.

Government are in entire sympathy with the Committee's recommendation.

Strength and composition of the Assembly.

24. The ordinary strength of the Assembly is at present fixed at 250, Government having the power to increase the number up to a maximum of 275 for the purpose of removing inequalities, if any, of representation, or for the representation of any new interests or constituencies that might develop. Membership is confined to non-officials, and it is provided that not less than 150 members shall be representatives of rural areas, and not less than 30 and not more than 55 representatives of urban areas, not less than 15 representatives of approved special interests, and not less than 35 representatives of minorities. There are 81 rural constituencies comprising all the taluks and sub-taluks and the Kolar Gold Field Sanitary Board Area. These return 164 members. There are 40 urban constituencies,—the cities of Bangalore and Mysore and 38 town municipalities. These return 46 members. Forty-four members represent the minority communities, and 20 the recognised special interests, making up a total strength of 274 for the Assembly as last constituted in 1937. Of these, 239 have been elected either by general or special constituencies, and the remaining 35 have been nominated by Government.

Recommendation of the Committee.

25. The Committee has recommended that the strength of the Assembly may be increased to 300 ordinarily, Government taking power to increase this number by 10 or 15 more, in order to provide

for the representation of any new interests or constituencies that may develop in future. The distribution proposed by the Committee is as follows:—

| | | Seats. |
|---|---|---|
| (1) Rural Constituencies | ... ... | 165 |
| (2) Urban Constituencies | ... ... | 45 |
| (3) Minorities:— | | |
| (*a*) Muslims | ... ... | 26 |
| (*b*) Depressed Classes | ... ... | 30 |
| (*c*) Indian Christians | ... ... | 5 |
| (*d*) Europeans | ... ... | 1 |
| (4) Special Interests | ... ... | 28 |
| Total | ... | 300 |

Rural and urban constituencies.

26. Government agree with the Committee that the distribution of seats among the rural constituencies may be as at present, with the following modifications which are necessitated by territorial adjustments between taluks. The seats allotted to Gubbi and Krishnarajapet taluks may be respectively reduced from 3 to 2, an extra seat given to Turuvekere, which has been converted into a pucca taluk, and 2 seats to the newly constituted French-Rocks taluk. The taluks of Bangalore North and Bangalore South will have 2 seats each. The number of seats for rural constituencies will thus be 166. With regard to urban constituencies, Government approve of the recommendation of the Committee that the number of seats provided for each of the cities of Bangalore and Mysore may be reduced from 4 to 3, in view of the fact that a certain number of seats will be allotted to these cities out of the number of seats reserved for minority communities like Muslims and the Depressed Classes. Bhadravati town, which is growing in size and importance, will also be recognised as an urban constituency. The number of members representing the urban constituencies in the Assembly will thus be 45.

Reservation of seats for minority communities; Muslims.

27. As at present, a certain number of seats will be reserved for the minority communities, namely Muslims, the Depressed Classes and Indian Christians. In view of the increased strength proposed for the Assembly, as well as for the purpose of giving adequate representation to the Muslim community, the Committee has recommended that the number of seats reserved for them may be raised from 18 to 26. Opinion in the Committee was divided as to whether these seats should be filled

through joint or separate electorates. The Muslim members on the Committee were emphatically in favour of separate electorates but a section of the Committee was strongly opposed to such a system. The majority of the Committee, while generally favouring joint electorates, have suggested that if joint electorates should be unacceptable to the community, some qualified system might be adopted as a compromise, at least in selected centres, with the safeguard that the successful candidate should get a prescribed percentage of the communal votes. Their conclusion, however, is that this is a question which should be decided in accordance with the wishes of the community.

On general considerations, and also in view of the fact that joint electorates have hitherto been in force in Mysore, Government would have preferred if the present system could be continued, or in the alternative, some system of qualified electorates adopted, *e.g.*, with the safeguard suggested by the Committee. It is, however, seen that the leaders of the Muslim community, whom Government have consulted in this connection, are at one regarding the advisability of having separate electorates in Mysore as in British India. In view of the unanimous desire of the representatives of the community, Government consider it desirable to accede to their wishes. They trust, however, that the system will not retard the growth of a sense of common citizenship and that it may be possible, at no distant date, to adopt a qualified system of joint electorates, if not of entirely common electorates.

Regarding the number of seats to be reserved, the leaders of the community have urged that they should be granted adequate weightage as in the Provinces. Government feel that there is considerable force in this representation and have decided to raise the number of seats reserved for the Muslim community to 30.

Depressed Classes.

28. The Committee has recommended that the number of seats to be reserved for the Depressed Classes may be raised from 6 to 30, in view of their large population and of the fact that a larger number of educated and competent persons will be available to fill the seats. As regards the electorate for these seats, the Committee has recommended a system under which the successful

candidate in addition to getting a prescribed percentage of his own community's votes, should also get a certain small prescribed percentage of the non-communal votes polled.

Government accept the recommendations of the Committee. The detailed electoral rules in this matter will form the subject of separate orders.

Indian Christians.

29. With regard to the Indian Christians 5 seats will, as at present, be reserved for them as recommended by the Committee. The method of election for the seats reserved for this community will be similar to that adopted in the case of the Muslim community.

European community.

30. The Committee has recommended that the European community also should be recognised and allotted one seat in the Assembly, and that the European Association should be the constituency for this seat.

Government approve of this recommendation.

Anglo-Indians.

31. Government consider that it is desirable to reserve one seat for Anglo-Indians also, and to throw it open for election by the members of that community, the electorate being similar to that for the European community.

Special interests.

32. The Committee has recommended the allotment of 28 seats to the special interests. Government consider that separate representation is unnecessary in the case of Inamdars and Agriculture including Sericulture, and that the number of seats proposed by the Committee for Trade and Commerce, and for Industries is capable of reduction by one each, and that under present conditions in the State 3 seats will provide adequate representation for Labour. The total number of seats for the special interests will thus be reduced to 22 and distributed as follows :—

| *Name of Interest.* | *No. of seats.* |
|---|---|
| University ... ... | 1 |
| Planting ... ... | 2 |
| Trade and Commerce ... ... | 1 |
| Industries ... ... | 2 |
| Women ... ... | 11 |
| Labour ... ... | 3 |
| Co-operation and Banking ... | 1 |
| Gold Mining ... ... | 1 |
| Total ... | 22 |

Government accept the Committee's recommendations that out of the two seats reserved for the Planting Interest, one may be set apart for election by European Planters and the other by Indian Planters; and that out of the 11 seats assigned to the Women one seat may be allotted to Muslim and one to Harijan women, and the cities of Bangalore and Mysore may form a single constituency for the seats reserved for Muslim and Harijan women. The Committee has recommended that the remaining seats for women may be assigned to general constituencies, with joint electorates, with liberty to contest additional seats in the general constituencies.

Regarding the electorate for women, Government consider that for some time to come, it may be inconvenient for women to contest seats in general constituencies. They therefore accept the suggestion made by Sri K. D. Rukminiamma, the lady member on the Committee, that election for the women's seats may for some time to come be through specially formed associations in each district, except in the cities of Bangalore and Mysore where women may come through the general electorates.

Delimitation of constituencies.

33. Government accept the Committee's recommendation that the members of the Senate and the registered graduates of the University of Mysore should form the electorate for the seat allotted to the University as at present. Except in this case and that of Muslim and Harijan women, the Committee has not made specific proposals regarding the delimiting of the constituencies for the seats reserved for special interests nor have they done so in respect of the Depressed Classes or the Indian Christians. In view of the fact that the number of seats allotted by Government to the Muslim community differs from the Committee's proposals, a fresh delimitation of constituencies for the seats reserved for this community is also necessary.

Government, therefore, accept the recommendation of the Committee that a special committee may be appointed for the purpose of considering these questions in respect of the Representative Assembly and the Legislative Council and of submitting specific proposals for the consideration of Government. Separate orders will be issued in this matter.

34. At present, Government may nominate members to the Assembly only for the purpose of making up deficiencies in the number of seats reserved for the minority communities, or the special interests, or removing inequalities of representation, if any. A suggestion was put forward in the Committee that Government might take power to nominate a few members, so as to make it possible for the Assembly to obtain the services of persons with expert knowledge or special experience. Although the proposal was not supported by the majority of the members of the Committee, Government consider that the suggestion is a useful one; and they accordingly direct that 10 seats should be reserved for nomination by Government on special grounds such as those proposed. The advantages that the Assembly would derive from the arrangement are considerable, while the democratic character of the institution would be practically left untouched. Except for this purpose and for the representation of minorities or special interests where constituencies either have not been formed or are not functioning properly, there will be no nominated members in the Assembly. Nomination of members to the Assembly.

Government also agree with the Committee that it is unnecessary to provide special representation for Hindu sub-communities, as this would tend to prepetuate internal cleavages. The present system, which is based on the recommedations of the Seal Committee, was envisaged only as a temporary measure to be abandoned as soon as circumstances justified it. Government consider that there is no need at present for the continuance of such an arrangement, and that the larger interests of the country as well as those of the communities themselves demand its abolition.

35. As modified by Government, the distribution of seats in the Assembly will be as follows:— Strength and composition of the Assembly as accepted by Government.

| | | |
|---|---|---|
| (1) Rural Constituencies | ... | 166 |
| (2) Urban Constituencies | ... | 45 |
| (3) Minorities:— | | |
| (*a*) Muslims | ... | 30 |
| (*b*) Depressed Classes | ... | 30 |
| (*c*) Indian Christians | ... | 5 |
| (*d*) Europeans | ... | 1 |
| (*e*) Anglo-Indians | ... | 1 |
| (4) Special interests | ... | 22 |
| (5) Nomination for special purposes | ... | 10 |
| Total | ... | 310 |

Government will also have the power to increase this number by 15 in order to provide for the representation of any new constituencies that may develop in the future. The maximum strength will be 325. The number of rural and urban constituencies and the seats provided for them is provisional and will be subject to further scrutiny by the special Delimitation Committee to be constituted.

President of the Assembly.

36. In view of the fact that one of the principal functions of the Representative Assembly is to serve as a forum for the making of representations to Government and obtaining direct redress regarding the wants and grievances of the people, the Committee consider it appropriate that the Dewan and the Members of Council (or Ministers) should continue to be, respectively, the President and Vice-Presidents of the Assembly, and are of opinion that a non-official President, being merely an officer of the House and having no connection with the administration, would not be in the same advantageous position to deal with representations as the members of the administration.

Government accept the recommendation.

Term of the two Houses.

37. The term of the Representative Assembly and of the Legislative Council is at present 3 years. The Committee has recommended that it may be raised to 4 years in each case.

Government accept this recommendation.

Allowances of members.

38. The Committee has made certain proposals in regard to the allowances payable to members of both the Houses and the amenities to be provided during the sessions.

Government will issue separate orders in this matter after consulting the Houses, if necessary.

The Legislative Council.

39. The Legislative Council, which was established in 1907 for the purpose of making laws and regulations, possesses full powers of legislation on all matters other than those specifically excluded from its jurisdiction. Its scope extends to all matters pertaining to the internal administration of the State, the subjects excluded being

those relating to the Ruling Family, Treaty relations and changes in the constitution of the State. The members of the Council are authorised to ask questions and move resolutions on matters of public interest or importance. In respect of finance, the proposals of Government for the appropriation of revenues or other moneys, on all heads other than those excluded from its purview, are submitted to the Council in the form of demands for grants; and the Council is empowered to assent, or refuse to assent, to a demand or to reduce the amounts specified therein either by reduction of the whole grant or by the omission or reduction of any of the items of expenditure included in the demand. The vote of the Council rejecting or reducing any demand is binding, except in cases where the Government consider that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility. The Government are further empowered to authorise in cases of emergency such expenditure as may, in their opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

Its powers: legislation.

40. The position which the Legislative Council will occupy under the new scheme in respect of legislation has been indicated in the paragraphs dealing with the powers of the Representative Assembly regarding legislation. Government have stated therein that they accept the Committee's recommendation that all bills should in the first instance be placed before the Assembly. Subject to this modification in the existing legislative procedure, the Council will continue to exercise its powers as heretofore, as recommended by the Committee.

Excluded subjects and heads of expenditure.

41. The subjects and heads of expenditure which are to be kept out of the purview of the Legislature will be common to the Council and to the Representative Assembly, and have already been dealt with in paragraphs 10 and 14. The legislation required in the field of the excluded subjects will be framed by Government as proposed by the Committee, and will come into force on receiving the assent of His Highness the Maharaja.

Finance.

42. As regards the financial powers of the Council, the Committee has recognised the need of giving

Government the power of restoring any demand reduced or rejected by the Council, and of authorising expenditure in times of emergency. It accordingly recommends the continuance of the powers now vested in Government. The Committee, however, suggests that as "Government" is an impersonal body, the power of restoration should be vested in the highest administrative authority in the State, *viz.*, the Dewan, on the analogy of the practice in British India where a similar power is exercised by the Governor-General or the Governor, as the case may be, and that there should be a formal certification that the restoration of a rejected or reduced demand is necessary for the carrying on of the administration or for the discharge of Government's responsibility.

Government accept these recommendations.

Strength and composition of the Legislati ve Council.

43. Exclusive of the Dewan and Members of Council the strength of the Council is now 50, of whom 21 are elected, while the remaining 29 are nominated by Government. The Committee proposes that the Legislative Council should be made an effective democratic instrument by giving it a decisive elected majority. It also recognises the need for Government to nominate some officials and non-officials, so as to enable them to secure the co-operation of men of experience and eminence whose presence in the Council would be of great advantage. It has accordingly suggested a measure of nomination which, in its opinion, while adding weight to the deliberations of the Council, will not checkmate or defeat the will of the elected element. Government fully agree with the proposal of the Committee and accept its recommendation that the strength of the Council should be increased to 68, with 44 elected and 24 nominated members, the elected element consisting of 24 members elected from general constituencies and 10 representatives each of minorities and special interests.

General constituencies.

44. The general constituencies and the number of seats allotted to each of them will be as follows, as proposed by the Committee :—

| | |
|---|---|
| Districts of Bangalore, Mysore, Kolar, and Tumkur; three each | ... 12 |

| | | |
|---|---|---|
| Districts of Hassan, Shimoga, Chitaldrug, Kadur and Mandya; two each | ... | 10 |
| Cities of Bangalore and Mysore; one each | ... | 2 |
| Total | ... | 24 |

Each district will be a multi-member constituency, returning two or three members, as the case may be.

Minority communities.

45. Minority communities are now represented on the Council by nomination. Muslims are guaranteed two seats, and the Depressed Classes and Indian Christians one seat each. The Committee proposes that four seats each may be reserved for Muslims and Depressed Classes and one seat each for Indian Christians and Europeans. It further proposes that, except in the case of Europeans, the representatives for these seats should be directly elected from territorial constituencies. Government accept these proposals with the modification that, for the reasons which have already been given by them, the number of seats to be reserved for Muslims will be fixed at five.

Special interests.

46. Four special interests are now recognised for the purpose of representation in the Council, *viz.*, Mysore University, Trade and Commerce, Planting, and Labour, which have been given one seat each. The Committee proposes that the number of seats given to Planting and to Labour may be increased to two, and suggests two seats for Women and one seat each for Mining and other Industries.

Government approve of these proposals but they do not consider it necessary to allot a seat to "other industries." The special interests to be represented on the Council and the number of seats allotted to them will be as follows:—

| | | |
|---|---|---|
| University | ... | 1 |
| Trade and Commerce | ... | 1 |
| Mining | ... | 1 |
| Planting: | | |
| (*a*) Indian | ... | 1 |
| (*b*) European | ... | 1 |
| Labour | ... | 2 |
| Women | ... | 2 |
| Total | ... | 9 |

Nomination of members.

47. Government accept the proposal of the Committee that Government may nominate 16 officials and 8 non-officials to the Council, and that a member of the Anglo-Indian community may be nominated to one of the seats provided for nominated non-officials, with a view to securing representation of that community. They take note of the observations of the Committee that the number of officials may be kept at the lowest possible limit, and that the number of nominated officials and non-officials proposed by the Committee is not to be regarded as a fixed number, but rather as a maximum which is not to be exceeded.

President of the Council.

48. The Dewan is now the *ex-officio* President of the Legislative Council, and the Members of the Executive Council are *ex-officio* members. The Committee has recommended that the Council should in future have a non-official President elected by the House itself, subject to the approval of His Highness the Maharaja.

Government accept this recommendation. But for the first term, as recommended by the Committee, the President will be nominated by His Highness the Maharaja, and he will hold office during the pleasure of His Highness.

Deputy President.

49. The Committee has further recommended that the Council may be allowed to have an elected Deputy President, the choice being subject to the approval of His Highness the Maharaja, and further that a panel of four Chairmen may be selected by the President from among the members of the House to preside over the deliberations of the Council in the absence of both the President and the Deputy President.

Emoluments of the President and Deputy President.

Government approve of these recommendations, as also the recommendations of the Committee that the salary of the President nominated by His Highness the Maharaja, for the first term, may be fixed by His Highness, and that the rank and status of the President, whether nominated or elected, should be that of a Minister. The emoluments of the elected President and the Deputy President will be fixed by the Council itself as recommended by the Committee. But Government consider that these should be subject to the approval of His Highness the Maharaja.

50. The term of office of the elected President and the Deputy President will be coterminous with that of the Council, as recommended by the Committee. They will, however, be removable earlier by His Highness the Maharaja on the submission to him, as recommended by the Committee, of a resolution of no-confidence, passed by a majority of not less than two-thirds of the total strength of the House, provided that 15 days' previous notice has been given by a member of a proposal to bring a motion of no-confidence against the President or Deputy President, and that such proposal has the support of at least 15 members before discussion on it is permitted. Term of office of the President and Deputy President.

51. Government accept the recommendation of the Committee that the Council should be provided with a Secretary and staff adequate for the conduct of the work of the Council. These will, as recommended by the Committee, form part of the Government Secretariat staff, but they will work in subordination to, and be subject to, the control of the President, who will have an effective voice in the selection and appointment of the Secretary as well as of the staff. Secretary and staff.

52. Government approve of the proposal that statutory provision may be made providing that there should be not less than two sessions of the Council every year. Sessions of the Council.

53. Government have perused with special interest the paragraphs in the Committee's Report dealing with the nature and composition of the Executive, and are in general agreement with the view taken by the Committee regarding the necessity for the inclusion of a popular element in the executive administration, while holding that it would be inadvisable to adopt any dyarchical system with a division of responsibility for the administration of " transferred " and " reserved " subjects. They consider that the scheme recommended by the Committee provides for joint responsibility and seems to be best suited to the present conditions of Mysore, as it does not entail too sudden a break with the existing system. The Executive.

54. The Executive Council will consist of the Dewan and not less than four Ministers. For the present, the number will be fixed at four. The Dewan will be the Composition of the Executive Council.

President of the Council, and will be appointed by His Highness the Maharaja at his pleasure either from among officials or non-officials. He will not be a member of the Legislative Council, but will have the power to attend its meetings and address it whenever he desires to do so. Of the four Ministers, not less than two will be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council, one from each body, if possible. These Ministers will continue to be members of the Houses to which they belong, and all the Ministers will be *ex-officio* members of the Legislative Council.

Term of office of Ministers.

55. Subject to the pleasure of His Highness the Maharaja, the term of office of the Ministers drawn from among the elected members of the Legislature will be co-extensive with the term of the Houses; official Ministers will hold office during the pleasure of His Highness, but subject to the provisions of the Mysore Service Regulations.

Relation between the Executive and the Legislature.

56. The distribution of portfolios between the Dewan and the other members will be at the discretion of His Highness the Maharaja, no Minister being under a disability to hold any portfolio on the ground of being a non-official. The Ministers will not be removable on a vote of no-confidence and there will therefore be no provision for a motion of no-confidence against them.

Government agree with the Committee that the provisions for the rejection of demands for grants, or cut-motions on demands, for discussing the budget and for passing resolutions provide sufficient opportunities for bringing to the knowledge of His Highness the Maharaja any deficiencies or defects in the administration, and for giving expression to the views of the Legislature in respect of the policies and measures of Government, and that it must be left to the pleasure of His Highness to take such notice of this as he may consider suitable in the circumstances.

Franchise for the Legislative Council.

57. Government are in general agreement with the recommendations made by the Committee with regard to the franchise. The existing qualifications of voters for the Legislative Council will be retained, except that, as

recommended by the Committee, the educational qualification for women voters for the Legislative Council will be reduced to the possession of the Secondary School Leaving Certificate.

Franchise for the Representative Assembly: Property qualifications.

58. With regard to the Representative Assembly, the property qualifications in urban areas, which are already sufficiently low, will be retained as at present. The qualifications based on taxation, etc., in the case of rural voters to the Representative Assembly will be reduced. Government, however, consider that in respect of registered occupants of lands and *kadim* tenants, it will be sufficient if the assessment to land revenue or annual rent, as the case may be, is reduced from Rs. 25 to Rs. 15 instead of Rs. 10, as recommended by the Committee. The assessment to taxes under the Panchayets, Mines and Municipal Acts entitling a person to be registered as a voter will be reduced from Rs. 5 to Rs. 4. The qualification of inamdars based on the *beriz* of inam villages owned by them will be reduced from Rs. 125 per annum to Rs. 100 per annum; and the present restriction requiring them ordinarily to reside in the constituency in order to be eligible to vote, will be abolished, as recommended by the Committee.

Educational qualification.

59. The eligibility to be a voter for the Representative Assembly on grounds of education is restricted at present to a graduate of a University who ordinarily resides in the constituency. As recommended by the Committee, the qualification will be reduced to the possession of the Secondary School Leaving Certificate in the case of men, and to a pass in the Upper Primary, Middle School or Lower Secondary examination in the case of women. The general effect of the extension of the franchise will be to increase the number of voters for the Representative Assembly more than two-fold. There are practical difficulties in the way of further enlarging the electorate at one step.

Franchise for the Depressed Classes.

Government agree with the Committee that some form of differential franchise should be devised for levelling up the Depressed Classes votes by enfranchising in those Classes the same percentage of population as is enfranchised among the caste Hindus. The extent to which the franchise qualifications could be reduced in order

to secure the desired percentage will, as suggested by the Reforms Committee, be remitted, for consideration to the special committee which is to be set up to advise on the delimitation of constituencies.

General qualifications for voters.

60. With regard to the general qualifications for voting, Government accept the following modifications in the existing rules suggested by the Committee with regard to the Representative Assembly and also the Legislative Council :—

(i) The period of six months prescribed for residence in the State, in order to qualify a person to have his name entered on the electoral roll, will be raised to one year.

(ii) The period entitling a person to claim to be a subject of His Highness the Maharaja by domicile will be extended from five to ten years.

(iii) The period of operation of the disqualification in the case of persons convicted of certain criminal offences or of dismissed Government officials, which is now fixed at ten years, will be reduced to five years.

(iv) The disqualification on the ground of a sentence or conviction for criminal offences will be applicable only to such offences as involve moral turpitude, it being left to Government to determine whether moral turpitude exists in each case.

Qualifications of candidates.

61. In respect of the qualifications of candidates, Government accept *in toto* the modifications recommended by the Committee as follows :—

(i) The minimum age for candidates for the Representative Assembly will be fixed at 25 years, instead of 21 years as at present.

(ii) The educational qualification for a member of the Representative Assembly, in the absence of any other qualification, will be that of a graduate of a University.

(iii) A person who possesses the necessary qualifications as an elector in any constituency but does not possess the qualification above prescribed for a member will be entitled to stand as a candidate for election to the Representative Assembly only in that constituency.

(iv) The minimum age for candidates for the Legislative Council will be raised from 25 to 30 years.

(v) The amount of income-tax qualifying a person as a candidate for the Legislative Council will be reduced from Rs. 200 to Rs. 50; and the *beriz* on inam villages from Rs. 250 to Rs. 100.

(vi) The existing rule under which shanbhogues and patels are treated as non-officials and allowed to stand as candidates for election to the Representative Assembly will be retained.

Modified rules embodying these recommendations will be issued separately.

Privileges of members of the two Houses.

62. A Committee appointed by Government in 1935 for the purpose of examining and suggesting modifications in the Representative Assembly and the Legislative Council Acts had considered the question of the privileges of members of the two Houses, and had recommended that the same freedom of speech as is allowed in the Indian Legislative Assembly might be granted to the members of the Legislative Council in Mysore. The Committee on Constitutional Reform has now recommended that provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those of Section 71 (i) of the Government of India Act, 1935, which reads as follows :—

"Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings."

The Committee also proposes that the members of the two Houses should be exempted from arrest under civil process (excepting in respect of insolvency proceedings) during the sittings or any meetings of the House.

Government accept both these recommendations.

Appointment of State's representatives to the Federal Legislature.

63. The Committee has made certain recommendations in regard to the mode of appointment of the State's representatives on the Federal Legislature. These will be considered by the Government at the appropriate time.

Fundamental Rights.

64. Among other recommendations, the Committee urges the necessity for a declaration of fundamental rights. This subject has been a fruitful ground of controversy, and it is a debatable point whether a declaration of such rights would serve any useful purpose. As observed by the Committee, it is well known that most of these rights are now being actually enjoyed by the people of Mysore. Government, while sympathising with the considerations which actuated the Committee to make their recommendation, consider it unnecessary to make any formal declaration in this behalf.

Public Services Commission.

65. The Committee has recommended the appointment of a Public Services Commission to assist Government in regard to recruitment to, and organisation of, the public services.

Government accept the principle underlying the recommendation and the details will be examined and orders passed separately on this proposal.

The Judiciary.

66. Government consider it unnecessary to lay down any special provisions as recommended by the Committee to ensure the independence of the Judiciary. The Committee has pointed out that in Mysore the judges of the High Court are appointed by the Ruler and they function under statute. Their uprightness and integrity as well as their efficiency have always been above reproach, and there has not been a breath of suspicion that the Executive has sought to put pressure upon them or to influence them in any manner. The Committee's recommendation merely follows the usual practice in framing modern constitutions of providing for the independence of the Judiciary by statute, as has been done to some extent in the Government of India Act of 1935.

Government consider that in the actual circumstances of Mysore such provisions are superfluous.

Local self-government.

67. With regard to the Committee's recommendation regarding local self-government, Government accept the principle that all City and Town Municipalities should be given the privilege of electing their own Presidents. This has been conceded by Government already, and steps will be taken by Government to give effect to the decision as circumstances permit.

Government take note of the Committee's suggestion that a whole-time officer may be appointed with necessary powers to watch and supervise local self-governing institutions, to co-ordinate their work and do all things necessary for improving their efficiency. They are, however, of opinion that there is no immediate necessity for the appointment of such an officer. The matter will be kept in view and considered when occasion arises.

Declaration of the goal of constitutional reform.

68. Referring to the general effect of its recommendations, the Committee has observed: "We believe that these proposals embody the largest possible measure of advance on democratic lines compatible with the existing political conditions in the State." These proposals have, in the main, been accepted by Government. Only one point remains to be considered, *viz.*, the recommendation of the Committee regarding a declaration of the goal of constitutional reform in the State. Government observe that the Committee considered three alternative formulas, and that opinion was almost equally divided as regards the suitability of each. Each formula lays emphasis on different factors of constitutional progress and safety. The recommendation, moreover, is also not unanimous, and a minority is emphatically opposed to any such declaration. The Committee has fully realised the difficulties inherent in the question. Government, while appreciating the considerations which prompted the Committee to urge the necessity for such a declaration, consider that as is observed by the Committee itself in another connection," we are passing through times of such rapid change that it is impossible for any one to foresee the trend of political actualities a decade ahead."

Principle underlying the reforms.

69. As has been pointed out by the Committee, "The principle which has inspired all constitutional developments in Mysore was first indicated in the Government Order of the 25th August, 1881, calling into being the Mysore Representative Assembly, *viz.*, that it should serve to convince the people that the interests of the Government are identical with those of the people. In the successive schemes of reform that have been adopted in the State from time to time during the last fifty-eight years, this purpose of enabling the citizens to realise the fundamental oneness between themselves and the State, by allowing them to participate in the shaping of the

policies and measures of the Government, has found progressive fulfilment."

The Proclamation announcing the Reforms of 1923 affirmed His Highness's constant and earnest desire to provide for the increasing association of his people with his Government in the administration of the State. There need be no doubt whatever that the same policy will be pursued in the future and that the constitution will continue to develop by natural process determined by reason and reality, so that progress will be genuine and secure.

B. T. KESAVIENGAR,

*Chief Secretary to Government.*

No. 156—C. R. C. PUBLIC OFFICES,

*Bangalore, dated 30th—31st August 1939.*

FROM

*Rajasabhabhushana Diwan Bahadur*
K. R. SRINIVASA IYENGAR, M.A.,
*Chairman, Committee on*
*Constitutional Reform*
*in Mysore, Bangalore.*

To

*Amin-ul-mulk*
SIR MIRZA M. ISMAIL, K.C.I.E., O.B.E.,
*Dewan of Mysore,*
*Bangalore.*

SIR,

I have the honour to submit herewith the Report of the Committee appointed by the Government in their Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, for the purpose of examining the working of the constitutional bodies in the State, and making recommendations as to the further changes which may be desirable. As at first appointed, the Committee comprised twenty members including the Chairman. Its personnel was added to by the Government, from time to time, until it comprised twenty-six members. Subsequent to 17th January, 1939, however, some of the members of the Committee belonging to the Mysore Congress dissociated themselves from the work of the Committee. Thus, at the time of the adoption of the Report, the Committee comprised twenty-one members, all of whom have signed the Report —subject, in some cases, to separate notes or minutes of dissent. Some of these notes have not yet been received from the members, and I hope to be able to send them on together with my observations, if any, next week. In the meantime, I am placing before the Government the common Report, as well as the volume containing the Minutes of Evidence, at the earliest opportunity.

2. The procedure adopted by the Committee has been fully explained in the introductory chapter of the Report. The Committee held 20 sessions in all, covering 64 days. Though the inaugural meeting of the Committee was held soon after its constitution, the Committee practically commenced business only on 2nd July, 1938, when it held its first meeting after its full strength was sanctioned by Government in their Order of 9th June, 1938. Since then it has taken fourteen months to complete its work. This was partly due to the wide range of the terms of reference, which necessitated the inviting of public opinion and the taking of oral evidence, and partly to the large size of the Committee and the need for consulting the convenience of members, many of them coming from mofussil stations, whose professional and public activities would have been dislocated by any attempt to crowd together the sittings of the Committee. In view of the fact that the Seal Committee of 1922-23 with a much smaller personnel and comparatively limited terms of reference, took six months to submit their report, I hope that we shall not be considered as having been too long over our task. On behalf of the Committee, I have to thank the Government for the ample latitude allowed in the matter of time, as well as for all the facilities afforded.

3. In this connection, I wish to bring to the notice of the Government, the Committee's high appreciation of the services rendered by the Secretary, Mr. K. Guru Dutt, whose general ability and literary talent as well as experience gained in the several departments of administration were an asset to the Committee; and their obligation to the Assistant Secretary, Mr. M. K. Varadarajan, whose special study of constitutional subjects proved of great value to the Committee, and to the staff for their loyal and unstinting work. Mention has also to be made of the prompt and tireless services rendered by the Government Press at every stage of the Committee's work, especially by the Sub-Assistant Superintendent, Mr. B. Gopalaiyengar; and of the courtesy of the authorities of the Mythic Society and its Secretary, Mr. S. Srikantaya, in having placed the Daly Memorial Hall and its amenities at the disposal of the Committee for their sittings.

4. Personally, I have to express my profound gratitude to Government for having given me one more

opportunity to serve our beloved Sovereign and the State, by presiding over an important Committee like this, comprising persons of eminence and distinction in every field of public activity. I deem it an honour and a privilege to have been associated with such colleagues in the responsible task entrusted to us, and it gives me great pleasure to acknowledge my indebtedness to each and every one of them for their help and co-operation, without which it would not have been possible for me to successfully discharge my duties as Chairman, and to give this substantial, and I trust useful, shape to our deliberations.

I have the honour to be,
Sir,
Your most obedient servant,

K. R. SRINIVASA IYENGAR,
*Chairman.*

# REPORT OF THE COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE 1939

## CHAPTER I.

### Introductory.

Constitution of the Committee.

This Committee was appointed by the Government in Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, with a view to implement the promise given by them in January, 1933, in the Legislative Council, that the question of further constitutional reforms in the State would be got examined as urged in certain resolutions discussed in the Council. The personnel of the Committee, as first appointed, consisted of two official and seventeen non-official members as noted below, with *Rajasabhabhushana Diwan Bahadur* Mr. K. R. Srinivasa Iyengar, Retired Member of the Mysore Executive Council, as Chairman.

**(a) Official—**

1. Rajakaryapravina MR. N. S. SUBBA RAO,
   *Vice-Chancellor, Mysore University.*
2. MR. K. V. ANANTARAMAN,
   *Revenue Commissioner.*

**(b) Non-Official—**

1. MR. B. CHANDRASEKHARA SETTY, M.R.A.
2. MR. K. CHENGALARAYA REDDY.
3. MR. D. H. CHANDRASEKHARAIYA, M.L.C.
4. DR. F. X. DeSOUZA, LATE I.C.S., M.L.C.
5. MR. D. V. GUNDAPPA, M.L.C.
6. Rajacharitavisharada Rao Sahib MR. C. HAYAVADANA RAO, M.L.C.

7. Rajasevasaktha MR. S. HIRIANNAIYA.
8. MR. J. MAHOMED IMAM, M.L.C.
9. Khan Bahadur MR. MAHOMED ABBAS KHAN, M.L.C.
10. MR. C. NARASIMHAIYA.
11. MR. B. S. PUTTASWAMY, M.L.C.
12. MR. T. RAMACHANDRA, M.L.C.
13. Rao Bahadur MR. M. C. RANGIENGAR.
14. SRI K. D. RUKMINIAMMA, M.R.A.
15. MR. P. SUBBARAMA CHETTY, M.L.
16. REV. W. E. TOMLINSON.
17. MR. V. VENKATAPPA, M.L.C.

In Government Order No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, Mr. S. C. Malliah was appointed as an additional member, and again in Government Order No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938, Messrs. K. T. Bhashyam Iyengar, R. Chennigaramiah, H. C. Dasappa, H. B. Gundappa Gowda and Mahomed Hanief were also appointed as members. As thus enlarged, the Committee comprised twenty-six members including the Chairman. In Government Order No. 1634-60—C. B. 165-37-24, dated 16th November, 1938, *Rajadharma-pravina Diwan Bahadur* Mr. P. Mahadevayya, Retired Chief Justice of Mysore, was appointed as a member of the Committee in place of Mr. K. V. Anantaraman, who resigned on his elevation to the Executive Council.

Terms of reference.

2. The terms of reference to the Committee as contained in the original Government Order, dated 1st April, 1938, are as follows :—

"It has been accordingly decided to appoint a Special Committee for the purpose of examining, in relation both to the public administration and the public life of the State, the development and working of the Representative Assembly and the Legislative Council, as well as the other representative bodies and institutions connected with them, such as Standing Committees.

* * * * *

The Committee is requested to formulate, having due regard to the present state of education and public spirit, the growing political consciousness of the people and other relevant factors, such as the practical efficiency of the District Boards, Municipalities and Panchayets, comprehensive proposals as to the further changes which

may be desirable in order to secure the steady and harmonious constitutional progress of the State from the point of view of all the interests concerned. In particular the Committee is requested to deal with the following questions :—

(i) The composition, functions and powers of the Representative Assembly and the Legislative Council, respectively, having special regard, among other matters, to the possibility of the extension of the franchise and to the representation of special interests and minorities which have developed since 1924.

(ii) The relation of the two Houses to each other and to the Executive Authority of the State.

(iii) Their Sessions, Duration and Dissolution.

(iv) Their Presidents and other functionaries.

(v) Allowances and honoraria payable to their members and officers.

(vi) Their privileges and the privileges of their members, and remedies in cases of breach of privilege.

(vii) Their power to appoint committees and to delegate authority to such committees.

(viii) The safeguards necessary for minority groups, special interests and emergencies.

(ix) The method of appointment of representatives of the State to the two Houses of the proposed Federal Legislature, and their relations with the Government and the legislative bodies in the State.

The Committee will have power to enquire fully into the above and all cognate questions, to call for information and opinions from Government officers and experts as well as from members of the public and public bodies, to interview and examine witnesses and to make recommendations on all matters pertaining to the development of the constitution, the object in view being, on the basis of the ideals and principles enunciated in the gracious message of His Highness the Maharaja quoted above, to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship."

The terms of reference were further clarified in Government Order No. 3862-3931—C. B., dated the 17th May, 1938, wherein it was expressly stated that it was open to the Committee to discuss and recommend any plan for constitutional reform, including a plan for responsible government under the ægis of His Highness the Maharaja. The several Government Orders relating to the Committee are given in Appendix I.

His Highness's Message.

3. At the commencement of the Committee's deliberations His Highness the Maharaja was graciously pleased to send them a Message in the following terms:—

"At the outset of your enquiry I wish you Godspeed in your labours. For the past thirty-six years I have watched with profound satisfaction the progressive association of my people with my Government, having as my single aim the prosperity and happiness of all classes and always the hope that Mysore may play a worthy part in the progress of India as a whole.

I trust you to keep these same subjects before you in planning a further development, and I pray that you may succeed in evolving a scheme that will blend Western ideas of progress with our own traditions of *Satya* and *Dharma*."

These gracious words have cheered and encouraged the Committee in their work, and it has been their earnest endeavour throughout, to view the problem before them, not in any narrow or provincial spirit, but with that breadth of outlook enjoined in the Message, through which alone Mysore will be enabled to take her rightful place in the Federated India of the future, and in which the ancient traditions of *Satya* and *Dharma*, the common heritage of all India, will be fused with the progressive modern ideals which have especially characterised His Highness's Government in the past and will, without doubt, continue to animate them in the future. The Message has indeed had a unique value and significance for the Committee, as it is not other than an amplification of the noble motto of the Royal House of Mysore: सत्यमेवोद्धराम्यहम् ॥ that pledge to uphold the Truth, combining the best in the past with what is best in the present.

Sittings of the Committee.

4. The Committee commenced its sittings on the 28th of April, 1938. At this meeting Messrs. B. Chandrasekhara Setty, K. Chengalaraya Reddy, D. H. Chandrasekharaiya, and V. Venkatappa who were members of the Congress were absent. These four members as also the three more members of the Congress, who were appointed to the Committee in the Government Order of 9th June, 1938, *viz.*, Messrs. K. T. Bhashyam Iyengar, H. C. Dasappa and H. B. Gundappa Gowda attended the subsequent meeting held on 2nd July, 1938, and participated in the deliberations of the Committee till the 17th of January, 1939. From that date onwards, with the exception of Mr. Bhupalam Chandrasekhara Setty, they again

ceased to attend the meetings of the Committee. In this connection a resolution of the working committee of the Mysore Congress, directing their nominees to refrain from attending the meetings of the Committee, was communicated by the Secretary of the Congress in his letter of 17th January, 1939, addressed to the Chairman. (*Vide* Appendix II.) Mr. D. H. Chandrasekharaiya, however, dissociated himself later on from the other Congress members, and attended the meetings of the Committee from the 17th March, 1939, onwards till the close.

There were in all 20 sessions of the Committee covering 64 days as detailed in Appendix III. The average daily attendance for the twenty-three meetings between 2nd July, 1938, and 17th January, 1939, which were attended by the Congress members, was twenty-four, for a total strength of twenty-six. All the members were present at two sittings.

Congress members.

5. The Committee record with regret that, for reasons unconnected with the work of the Committee, the majority of the members belonging to the Mysore Congress did not co-operate in the work of the Committee towards the close. The benefit of their collaboration was, however, available during the period when oral evidence was taken before the Committee, as well as when individual members gave expression to their general views in the matter of constitutional reform. The Committee have also had before them the scheme for constitutional reform prepared by the Mysore Congress, as well as several memoranda and resolutions from individual members and bodies representing that school of thought. The Committee would like to state that no substantial proposal for reform has been left out of their consideration, merely on the ground that the Congress members were not there to press it. The desire for progress has equally actuated all the other members of the Committee, although they have differed in their appraisal of the existing political realities and limitations.

The Seal Committee.

6. The history of the growth of the constitution in Mysore has been summarised in the Government Order appointing the Committee. In the words of that Order: "In this history of constitutional development, the years

1923 and 1924 stand out as especially important. It was in the former year that the Committee on Constitutional Developments, which was presided over by *Rajatantrapravina* Sir Brajendranath Seal, made its report. That Committee examined in detail the whole theory of Government as applied to a State, in which the Ruler remains supreme, but desires to give as large a share as possible in the Government to representatives of his people." The Chairman of the present Committee as well as *Khan Bahadur* Mahomed Abbas Khan had the privilege of serving on that Committee. They are glad that after the lapse of fifteen years they have once again an opportunity to study the question in retrospect. It was with profound regret that they, as well as the other members of the Committee, learnt, while the Committee was in session in October, 1938, of the death of Dr. Seal. They have placed on record their deep sense of the loss sustained by the whole of India by the demise of that great *savant*. The scholarly report of that Committee has been invaluable to them as a starting point, and also as a document of reference.

Scope of the Committee's work.

7. The report of the Seal Committee opens with the following remarks:—

> "The announcement of the Dewan in the Representative Assembly giving an outline of the scheme of Constitutional Development in Mysore, and the terms of reference to this Committee laying down the lines on which it is to work in filling up that outline as well as the limits imposed on its work, make it clear that we, in Committee, have a strictly defined scope and are not free to offer our suggestions independently or *de novo* in building up a new constitution for the State."

On the other hand, the terms of reference to the present Committee, which have been cited in para 2 above, are of a far more comprehensive nature. They necessitate, first, a thorough examination of the working of existing representative institutions, as well as of the growth of education, public spirit and the political consciousness of the people; and the duty is also cast on the Committee of formulating proposals not merely under the nine specified headings, but also relating to all matters pertaining to the development of the constitution.

Preliminary procedure.

8. The question of the procedure to be adopted in order to compass effectively so wide an objective, engaged

the careful attention of the Committee during the first four meetings. At the outset, it was decided that the formulation of a detailed *questionnaire* to elicit opinions from the public was unnecessary as the terms of reference themselves were held to be sufficiently clear and full and it was thought that it might be inadvisable, in some ways, to sub-divide the heads further. The Committee were more anxious to obtain representative opinions on the broad issues involved in the question of constitutional reform, than to secure suggestions regarding matters of detail. Copies of the Government Order in English and Kannada were accordingly sent out to all the members of the Legislative Council and the Representative Assembly, and also to other prominent persons and associations in the State, with an appeal to them to co-operate with the Committee by sending in their considered views. Similar invitations to the public were also published in the various newspapers having circulation in the State. For their own use, the Committee sub-divided the terms of reference into more detailed Heads of Discussion. They were also published in the newspapers and in the *Mysore Gazette* (11th August, 1938). The period prescribed for sending opinions to the Committee was extended from time to time up to the end of August, 1938. Opinions received after that date have also been taken into consideration by the Committee. In all, over a thousand requisitions calling for opinions were sent out. The response was satisfactory. As many as 440 communications have been received by the Committee, of which 190 were memoranda on constitutional reform, offering suggestions either in general or on particular items included in the terms of reference. Of the remainder, 100 communications purported to be resolutions passed at public meetings held in various places in the State, supporting the scheme sent up by the Mysore Congress, and 150 purported to be resolutions passed at Adi-Karnataka Conferences favouring the views expressed by the Adi-Jambava Sangha and the Adi-Karnataka Abhivriddhi Sangha, Bangalore. (*Vide* Appendix IV).

In addition to inviting opinions from the general public, the Committee also called for information from the Deputy Commissioners of Districts and the Presidents of District Boards and Municipalities in the State, regarding the working of local bodies and the growth

generally of political consciousness in the country as a whole. In response to 123 communications sent out, 79 replies have been received in this connection.

Minutes of evidence.

9. The Committee then proceeded to take the oral evidence of selected representatives of the public. The idea underlying the selection was not so much to obtain fresh opinions in respect of the topics comprised in the terms of reference, as to supplement the memoranda received, and clarify some of the vague or indefinite suggestions contained therein. With this object, only individuals and associations who had already submitted their opinions to the Committee were invited for interview.

The taking of evidence which commenced on the 5th of September was concluded on the 30th November, 1938, and occupied five sittings of the Committee covering 15 days. Thirty-one witnesses were examined in all. A complete list of the names of witnesses examined is given in Appendix V. They included representatives of important communal and other associations, *e.g.*, the Central Mahomedan Association, the Mysore State Muslim League, the All-Mysore State Muslim League, the Anjuman Mufidul Islam of Belur, the Indian Christian Association, the Indian Catholic Association, the Adi-Karnataka and Adi-Jambava Abhivriddhi Sanghas, Bangalore, the European Association, the Mysore Planters' Association and the Indian Planters' Association, the Mysore State Women's Conference, the Civil Liberties' Union, Bangalore, the Welfare Committee of the Bangalore Woollen, Cotton and Silk Mills, Ltd., and the Bar Association, Shimoga, as well as gentlemen with experience of public life in Mysore, including a retired officer of the Government.

The Minutes of evidence have been printed and form Volume II of the Report. The Committee have derived much information and many valuable suggestions from the witnesses, and are thankful to them for their assistance. Points of importance which came up for discussion in the course of evidence will be referred to in their due context in the body of the Report. It is enough to observe here that the Committee have thereby been enabled to gauge different shades of public opinion, in a manner which would not have

been possible if they had restricted themselves entirely to the written expression of views.

Term of the Committee.

10. The sessions of the Committee, from the 1st December, 1938, up to 5th May, 1939, were taken up by general discussions on the terms of reference and the formulation of recommendations on the several details contained in the terms of reference. In the concluding sessions, the draft report of the Committee was considered and passed. The Committee has taken a year and a quarter to finish its labours. This was partly due to the wide range of the terms of reference, which necessitated the inviting of public opinion and the taking of oral evidence, and partly to the large size of the Committee and the need for consulting the convenience of members, many of them coming from the mofussil stations, whose professional and public activities would have been dislocated by any attempt to crowd together the sittings of the Committee.

The Report.

11. The Report is based on resolutions adopted by the Committee. There was practical unanimity in many important conclusions. Wherever any member or group of members differed on any material point, it has been indicated in the body of the Report. Separate notes received from members who have found it necessary to explain their individual standpoints at greater length are appended. The second chapter is a fairly detailed review of the growth and working of the existing political institutions in Mysore, from their inception. This historical retrospect forms the necessary background to the third chapter in which we have dealt with the fundamental considerations which we thought it necessary to keep in view in suggesting any proposals for reform in Mysore, and in the light of which we have examined the merits of the principal alternative schemes placed before us, and explained the basic features underlying our own recommendations. The fourth and last chapter contains our own proposals, with the reasons for them, in respect of the Representative Assembly, the Legislative Council, the Executive Council or Cabinet of Ministers and the other topics we have dealt with. A summary of our recommendations is appended to the Report.

Acknowledgments.

In this connection, the Committee wish to place on record their high appreciation of the services rendered by

the Secretary, Mr. K. Guru Dutt, whose general ability and literary talent, as well as experience gained in the several departments of administration, were an asset to the Committee. Their thanks are also due to the Assistant Secretary, Mr. M. K. Varadarajan, whose special study of constitutional subjects proved of great value to the Committee; and to the staff for their loyal and unstinting work. Among other acknowledgments due, particular mention has to be made of the prompt and tireless services rendered by the Government Press, and of the courtesy of the authorities of the Mythic Society in having placed the Daly Memorial Hall at the disposal of the Committee for their sittings.

# CHAPTER II.

## The Background.

### SECTION I—The Growth of the Representative Assembly.

The association of the people with the Government in Mysore.

12. The association of the people with the Government in Mysore has a long history. In the sphere of local self-government, the constitution of local municipal committees dates from 1874. As regards the central administration, a proposal for the formation of a small deliberative assembly, composed of non-officials and exercising advisory functions, was considered by the Government of India, immediately before the transfer of the administration of the State to His Highness the late Maharaja, Sri Chamarajendra Wadiyar Bahadur, when the nature of the administrative machinery to be set up after the transfer was receiving their consideration. The proposal was not however, finally approved by them, as they thought it to be "premature to introduce in the beginning an institution which had not yet been tried in British India, and which was not known to have succeeded elsewhere under circumstances analogous to those of Mysore; although some such accessory development may not improbably follow hereafter upon the administrative basis that will now be settled."

The genesis of the Assembly.

13. Hardly six months had elapsed after the assumption of power in March, 1881, by His Highness the late Maharaja, when His Highness, actuated by a deep and genuine desire that "the views and objects which his Government had in view in the measures adopted for the administration of the State should be better known and appreciated by the people for whose benefit they were intended," constituted the Representative Assembly as a first step in the direction of ensuring that "the actions of the Government should be brought into greater harmony with the wishes and interests of the people." This institution has been developed, by a gradual enlargement of its powers and functions, into an integral part of the constitutional machinery of the State, along with the Legislative Council which was established in 1907.

The object of founding the Assembly.

14. The Assembly was authoritatively brought into existence not by a statute, or what passed as its equivalent in those days, but by means of an executive order promulgated on 25th August, 1881. According to the terms of this order, an annual meeting of "representative landholders and merchants from all parts of the State" was to be held at Mysore immediately after the Dasara festival, and the Dewan was required to place before it the results of the previous year's administration, and a programme of what was intended to be carried out by the Government in the coming year. It was stated that "such an arrangement, by bringing the people into immediate communication with the Government, would serve to remove from their minds any misapprehensions in regard to the views and actions of the Government, and would convince them that the interests of the Government were identical with those of the people."

Official title of the Assembly.

15. The official title of the Assembly was "the Assembly of representative raiyats and merchants from all the taluks of the Mysore State." It is interesting to note that even as late as 1895, *i.e.*, fourteen years after the inception of the Assembly, when a member proposed that the name should be changed into "the Representative Assembly," the reply of the Government was that such a change might be misunderstood as indicating an alteration of the original constitution and functions of the Assembly. In course of time, however, this annual meeting came to be known as the Representative Assembly.

The initial constitution of the Assembly.

16. The first Assembly met on 7th October, 1881, and was attended by 144 members. The then Dewan of Mysore, Mr. C. Rangacharlu, C.I.E., placed before it an abstract of the financial position of the country as well as of the administrative, industrial and other measures that were in contemplation by the Government. The Assembly began its career as a nominated body like the Legislative Councils in British India and elsewhere. It was composed of persons nominated by the Government on the recommendation of Deputy Commissioners, who selected at their discretion one or two of the leading and influential land-holders from each taluk within their jurisdiction and three or four merchants from each district, besides representatives deputed by the local bodies in the State. This method of selection by Deputy Commissioners was

continued until 1891 when the principle of election was introduced; but certain rules were laid down in 1887 for their guidance, indicating the property qualifications to be kept in view by them in making their selection. These varied from the annual payment of a land revenue of Rs. 500 to Rs. 50, according to the agricultural conditions of each taluk.

The role of its members.

17. The members of the Assembly did not in the beginning appear at the meetings clothed with any delegated authority or functions. They were meant to represent the average intelligent section of the community, who could understand what was placed before them concerning the measures of the Government, disseminate such information among their neighbours on their return, and give opinions that might adequately represent the popular view of the country. To quote an official document of the times: "The members were representative in the same sense that a sample taken from a heap of grain is representative of the quality of the whole."

Functions of the Assembly.

18. Though not invested with any recognised powers, the members were not intended to be mere passive auditors of the Dewan's speech. In the very first year, the Dewan told them that His Highness's Government would be glad to receive any observations and suggestions which the members might wish to make in the public interest, and assured them that such suggestions would meet with every consideration at the hands of the Government. Two years later, the Dewan impressed upon them the great importance of their representative character and functions. He advised them to familiarise themselves with the wants of the people, and to educate themselves in the matter of administration, and expressed the hope that, by subordinating private to public interests, they would assist the Government in the difficult work of administration by bringing forward all real grievances of the people to the notice of the Government and helping to remove them. The members thanked the Government and gave expression to their appreciation of the privilege "of representing to His Highness's Government in an annual assembly like this, the views and wishes of his humble and faithful subjects."

In the immediately succeeding years, the members were asked to watch carefully the working of the administration in all its branches and to bring to the notice of the Government any defects or shortcomings in them. They were further invited to offer practical suggestions for improving the condition of all classes of His Highness's subjects. Subsequently it was made clear to them that they should not regard their functions as those of a mere petitioning and complaining body and that, though they could not exercise any direct control over the Administration and subjects relating to the constitution of the State which were outside the scope of the Assembly, they could yet discuss and place before the Government any matter regarding the details of the administration.

Consultation on legislative measures.

19. The Assembly did not possess the power of voting nor could it demand that every proposed measure of legislation should in the first instance be placed before it and its opinion taken thereon. Though the Government were willing to consult the members on all important matters of legislation, they would not yet bind themselves to do so always. The Assembly was, however, being actually consulted with regard to important pieces of legislation and its opinion was given due weight. At the very first session, the proposed Local Boards and Land Revenue bills were explained to the Assembly, and the Forest and other bills at the subsequent sessions.

The influence exercised by the Assembly on legislation, even in the earlier stages, may be seen in connection with the passing of the Infant Marriage Prohibition Regulation. The initiative in the matter was taken by the Assembly itself which pressed the subject before the Government in the Dasara session of 1891. The Government thereupon consulted public opinion and placed the results before the next Assembly along with certain tentative proposals. In his Address, the Dewan said : " In thus stating to you how the question stands, it is my desire that you should know what action has followed your previous representation on the subject, and what the present views of the Government are. It now rests with you carefully to consider it from all points of view and to tell me what you desire to be done. You know that the moral and religious aspects of the question are grave, and it behoves us to proceed with great caution,"

In the next Assembly the Dewan said: "A Regulation drafted on the lines indicated in my Address last year has been published with a view to afford the fullest opportunity for discussion and criticism. The measure is, in some quarters, regarded as an undue interference with the liberty of the subject, but you are doubtless aware that the action of the Government in the matter is merely a response to the general sentiment of the country." The bill was finally passed into law after embodying some suggestions made in the Assembly. This would indicate that the position of the Assembly in practice was superior to that in theory.

Consultation on important administrative measures and policies.

20. The opinion of the Assembly was invited specifically on various works and measures of public utility such as large public works projects, adoption of new measures of policy, as for example, the transfer of the local *anche* or postal system to the Government of India and its merger with the Imperial Postal Department in 1885, and the scheme of State Insurance in 1890. There was hardly any limit to the scope of the subjects discussed, which ranged from the constitution of the Executive Council to the *mirasi haq* of a toti and the throwing of a dam across a jungle stream of rain water.

As an instance of the nature of the subjects dealt with by the Assembly and the extent of the influence exercised by it on the Government, may be cited the fact that in 1883 the members raised the question of the famine debt of nearly a crore of rupees due to the Government of India, and sought information concerning the arrangements made for its liquidation. They desired to know whether the Government had any idea of fresh taxation, and were not satisfied until they were assured by the Dewan that the Government would reduce the famine loan without imposing any new charge on the people and that the Government of India had very considerately consented to the repayment of the loan in annual instalments of Rs. 4 lakhs each.

In 1888, the representatives made a bold suggestion that all orders issued by the Government might as a rule be previously discussed by the Assembly. The suggestion was, however, found impracticable, as, apart from other objections, it necessitated the continuous sitting of the

Assembly throughout the year. But they succeeded so far as to obtain a promise from the Dewan that the orders of each year, or for that matter any order of the Government, might be discussed during the annual meetings freely, and that the Government would consider the opinion of the Assembly and accept all reasonable changes proposed by it. The volume of work turned out by the Assembly may be judged from the fact that the total number of subjects dealt with by it in 1905 was 475, of which 282 were classed as "general" and the remainder as "local."

Introduction of the principle of election in 1891.

21. The main direction in which the Assembly has grown has been that of the extension of the representative principle in the selection of its members. The members were till 1891 nominated by the Government on the recommendation of the Deputy Commissioners of districts. In that year the principle of election was introduced for the first time, and the method of nomination was abolished. The strength of the Assembly was fixed at 351, and definite rules were framed prescribing the qualifications of voters and candidates. Persons qualified under the rules were to meet annually in each taluk and elect from among themselves the number of members allotted to that taluk. Payment of a land revenue ranging from Rs. 100 to Rs. 300 in different taluks, according to the agricultural conditions of each taluk, or of a *mohatarfa* or municipal tax ranging from Rs. 13 to Rs. 24, or the ownership of one or more inam villages with a *beriz* valuation of Rs. 500, qualified both for vote and membership. Graduation in an Indian University was also recognised as a qualification by itself. The members representing urban areas were to be returned by indirect election by the various local bodies in the State; and recognised public associations consisting of more than 100 persons were also given the privilege of deputing one member each.

Electoral reform of 1894.

22. Three years later, the circle of electors was enlarged by a reduction of the property qualifications by 50 per cent. The constituencies were also rearranged "with a view to effect a more equitable distribution of the seats and to make the Assembly a more efficient exponent of the practical sense of the general population of the country." It had been found that urban areas were over-represented in the Assembly. 103 municipal towns with a total population of a little over 5 lakhs, or less than

one-ninth of the entire population of the State, were being allowed to return through their respective municipal boards 115 members, or nearly a third of the total strength of the Assembly. With a view to bring this to normal proportions, the rules were modified in 1894, and it was provided that only those municipalities which had a population of 5,000 and above would be entitled to return members. The remaining municipalities were merged in the respective rural areas. The special representation given to the cities of Bangalore and Mysore was also discontinued. As a result of these changes, the urban population of a little over 3 lakhs, congregated in 25 towns, was to be represented by 40 members in the Assembly, thus bringing down the total strength to 275. Even with this modification, the urban areas retained more than the share of representation to which they would have been entitled on a purely population basis. The term of office of the members returned from the taluk electorates was fixed at three years, while that of those deputed by the Municipal Councils and public associations was fixed at one year.

Rules of procedure in the beginning

23. The Assembly had begun with little or no attempt at regulating the conduct of business. First the members listened to the Dewan's speech, and afterwards made such observations and representations as they had to lay before the Government. Some regulation was found desirable in the very first year, and it was resolved that, except where a member desired particularly to make a separate statement, the representatives from each district should nominate one or two of their body to act as their spokesmen. A few simple rules for the conduct of business were laid down in 1887. The members from each district were required to choose the subjects in concert at a formal meeting in Mysore, and to nominate persons to speak on each subject. The order of discussion at the meetings of the Assembly was settled by the Dewan.

Fresh rules of 1907.

24. In 1907, fresh rules were prescribed to regulate the business at the meetings of the Assembly and to ensure that discussion in the Assembly was concentrated on matters of real importance. It was laid down that the subjects to be discussed in the Assembly should be selected and determined at a preliminary meeting held at the

headquarters of each district, under the presidency of the Deputy Commissioner, so as to enable them to eliminate from the list of subjects such of them as were within the competence of the local district officers and heads of departments to deal with.

A special point of interest, which may be noted, is that a representation had been brought forward in 1907 that the Government should reserve power to themselves to nominate retired officials as members of the Assembly without election, or that such officials might be declared eligible for election without any property qualification. This was not conceded, as the Government considered that the method of nomination would affect the representative character of the Assembly and it was inexpedient to relax the rules about property qualification in the case of retired officials as suggested.

Opinions on the working of the Assembly.

25. The proceedings of the Assembly were characterised in general by sobriety and good sense in a degree which created a marked impression on all observers. After the visit of Lord Dufferin to Mysore, the Dewan, referring to the Address presented by the Assembly to His Excellency, reminded the members "how His Excellency was pleased with the evidences of the peace and welfare of these parts of India and how he congratulated His Highness the Maharaja upon calling to his counsels men of your intelligence and influence." Still stronger testimony was borne by Lord Lansdowne, when as Viceroy of India, he came to Mysore in 1892. In reply to an Address presented to him by the members of the Assembly, His Excellency said: "The enquiries which I have made from those who are best able to judge have satisfied me that the proceedings of the Assembly have served a most useful purpose and have brought His Highness's Government into touch with all classes of the community. I have heard with much pleasure that your discussions have been conducted in a thoroughly practical spirit, and that on the one hand the members have not hesitated to bring forward grievances where they existed, while on the other the Dewan has dealt in the frankest possible manner with the suggestions which have been made." His Excellency further gave expression to the special interest which this remarkable experiment had in his eyes "as the Government of India

was at that moment engaged in introducing considerable changes in the constitution and functions of the British Indian Legislative Councils."

Opinion of Sir K. Seshadri Iyer.

26. The inauguration of the Assembly was hailed throughout India as a very progressive and beneficial measure. One nationalist weekly, *The Mahratta*, writing eleven years after the establishment of the Assembly, went so far as to say that "the British Government might do well to take a lesson from the enlightened Maharaja of Mysore." The institution was, however, regarded by some as premature; but, as observed by Sir K. Seshadri Iyer, "the continued interest which the members evinced in public affairs, and the practical commonsense which characterised their discussions had served to refute the assumption that the institution was in advance of the times."

Tributes to the memory of the founder of the Assembly.

27. Its founder, His Highness the late Maharaja Sri Chamarajendra Wadiyar Bahadur, had, by his wise and beneficent rule, endeared himself to all classes of his subjects, and by initiating a policy of associating the people in the administration of the State, much in advance of any similar developments elsewhere in India, had won the high regard and esteem of all sections of political thought in India. On his sad demise in 1894 at the early age of 32, after a brief reign of 13 years, a unique tribute was paid to his memory by the Indian National Congress, which solemnly passed a resolution expressing its respectful condolence and sympathy with the Royal Family of Mysore in their bereavement, and testifying to "its deep sense of the loss sustained in his death, not only by the State over which he ruled with such wisdom, ability and beneficence, but also by all the Indian peoples, to whom his constitutional reign was at once a vindication of their political capacity, an example for their active emulation and an earnest of their future political liberties."

Position of the Assembly in 1903.

28. The position and status of the Assembly as it stood in 1903 could not be better summed up than in the words of His Highness Sri Krishnaraja Wadiyar Bahadur, when he opened the first session of the Assembly after his installation in 1902: "The sphere and functions of an Assembly like that of yours," said His Highness, "must

necessarily have its limitations, and it is obviously not in a position to accept any portion of the responsibility for the good government of the State, which must exclusively remain with me. The former testimonies, I am glad to find, speak highly of the moderation, the intelligence, and the practical good sense that have characterised your discussions in the past, and one of the conspicuous results of this Assembly has been the consolidation of a sense of common interest between the Government and the people. If the deliberations of this Assembly succeed in providing a ready means whereby my people can make their requirements, aspirations and grievances known, and in affording my Government an opportunity for stating what has been accomplished during the past year and what is intended in the next, and further, if these meetings enable us to understand each other better and thereby remove all possible grounds for misconception regarding the measures of Government, then I entertain no doubt that this yearly gathering will prove a valuable adjunct to the administration and will thereby promote the contentment and well being of my subjects which are so dear to my heart. As long as this institution fulfils these aims and objects, you may rest assured it will receive my hearty support and encouragement. I trust that the membership of this Assembly, which, I understand, has already come to be regarded as a privilege, will, by your moderation and wise counsel, receive enhanced value at your hands and the hands of your successors in the years to come."

## SECTION II—The Development of the Legislative Council.

Process of legislation before the establishment of the Legislative Council.

29. For over a decade after the electoral reforms of 1894, there were no changes of importance in the constitution of the Assembly, until the next stage in the constitutional development of the State was reached in 1907, when the policy of the association of the people with the Administration of the State was carried a step further by His Highness the Maharaja by the establishment of a Legislative Council. Legislation was till then entirely in the hands of the Government, who in their discretion consulted the Assembly on such measures as were considered by them to be of sufficient importance to be placed before it. A

Legislative Department was first organised in 1886 as a separate department under the superintendence of an officer designated "Legislative Secretary," and it later became a branch of the Secretariat. The elaboration of all legislative measures was a part of the duties of the Executive Council which promulgated such measures as were required by it with the sanction of the Maharaja.

Representations in the Assembly for the establishment of a legislative body.

30. The question of associating a certain number of non-officials in the process of law-making in a regular legislative body was raised by the members of the Representative Assembly in 1890 and again in 1893. In his reply to the representations the Dewan, while recognising the undoubted utility of such association, pointed out that it would be somewhat ostentatious to constitute such a body, as there was very little legislative work to be done and whatever laws were required in the State were more or less adopted from British Indian statutes, with such modifications as might be necessitated by local conditions.

The subject was broached again in the Assembly in 1906, and it was urged by the members that the powers and functions to be vested in the Council should be such as not to interfere with the utility and importance of the Assembly. The reply of the Government was that, if a Legislative Council was established, it would be so constituted as not to affect the usefulness of the Assembly. By then the need for a regular legislative body had come to be felt by the Government. The requirements of a progressive administration necessitated the passing of new laws and the amendment of existing ones from time to time. Legislative measures had no doubt received full consideration and attention at the hands of successive Dewans and Councillors; nevertheless it was felt that the character and composition of the Executive Council, the smallness of its numbers and the want of publicity in its proceedings did not permit of legislation being considered as fully and from as many points of view as was desirable. In the meanwhile, with the spread of education there had come into being a fairly large body of educated and intelligent men from whom a sufficient number of persons fit to take a useful part in the discussion of legislative measures might be chosen as non-official members to serve in a Legislative Council.

Establishment of the Council.

31. In these circumstances it was considered expedient by His Highness the Maharaja to establish a Legislative Council, in order to associate non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements in the actual process of law-making. With this end in view, the Legislative Council Act I of 1907 was promulgated, which constituted a regular Legislative Council for the making of laws and regulations in Mysore.

The proposal was however looked upon by the Government of India with "qualified enthusiasm", and while they saw "no sufficient reason for advising His Highness to desist from the proposed experiment," they expressed the opinion that "no special necessity existed for it in Mysore." In conveying their approval to the proposal, the Government of India made it clear that "whatever the legislative machinery employed, the ultimate responsibility for all legislation in Mysore remained absolutely with His Highness the Maharaja and that the control over such legislation vested in the Governor-General in Council by the Instrument of Transfer of 1881 was unimpaired."

Due provision was accordingly made for safeguarding the existing system of control by the Government of India over legislation in Mysore. The Government Order promulgating the Act made it clear that the introduction of the Legislative Council was not "intended in any way to affect or to diminish the responsibility which in legislation as in all matters connected with the administration, rested ultimately with His Highness himself;" but that it was intended "solely to enable him and his Government to ascertain correctly the needs, wishes and feelings of the people and to ensure that the laws enacted by him as the Ruler of the State were in all cases well adapted to serve the ends in view."

The composition and functions of the Council.

32. According to the provisions of the Act, the Legislative Council was to consist of the Dewan, as the President, with the Members of the Executive Council as *ex-officio* members and not less than 10, and not more than 15, additional members, nominated by the Government for a period of two years, of whom not less than two-fifths were to be non-officials. Power was given to the Government to frame rules as to the conditions under

which all or any of the non-official members might be selected prior to nomination by the Government. The business to be transacted at its meetings was confined to the consideration and the passing of measures which in practice were introduced by the Government. The previous sanction of the Dewan was made requisite for the introduction of any measure in the Council. The "enactment" of every measure required the assent of the Maharaja. Power was reserved to the Government to frame temporary emergent measures for a space of six months, as also permanent measures affecting matters specially excluded from the purview of the Council, and submit them for the Maharaja's assent. The matters which were kept out of the jurisdiction of the Council were :—

(*a*) The Royal Family of Mysore.

(*b*) The relations of His Highness the Maharaja with the Paramount Power or with foreign Princes or States; or matters governed by treaties, conventions or agreements then in force; or thereafter to be made by His Highness with the Paramount Power;

(*c*) Extradition of criminals;

(*d*) Matters governed by treaties;

(*e*) European vagrants;

(*f*) European British subjects;

(*g*) Post offices, Telegraphs and Railways;

(*h*) Mysore Military Forces, or

(*i*) Such other matters as might from time to time be reserved by His Highness the Maharaja for consideration by the Government.

The function of the Council was strictly limited to legislation, and it was expressly forbidden to entertain any motion other than a motion for leave to introduce a bill or having reference to a bill actually introduced. The description given by Lord Macdonnell of the Councils in British India in their initial stages was equally applicable to the Council thus constituted. "It was a committee for the purpose of making laws, a committee by means of which the executive government obtained advice and assistance in their legislation, and the public derived the advantage of full publicity being ensured at every stage of the law-making process . . . . . The Council was not a deliberative body with respect to any subject but that of the immediate legislation before it. It could not enquire into grievances, call for information, or

examine the conduct of the executive. The acts of the administration could not be impugned nor could they be properly defended in such assembly, except with reference to the particular measure under discussion."

General satisfaction at the establishment of the Council.

33. The newly formed Legislative Council with five non-official members, of whom our esteemed colleague Mr. M. C. Rangiengar was one, and five official members besides the Members of the Executive Council, sat for the first time on 24th July, 1907, under the presidentship of the Dewan, Mr. V. P. Madhava Rao, C.I.E. The Dewan welcomed the members on behalf of His Highness the Maharaja and referring to the importance of the event observed: "We are to-day on the threshold of an important constitutional experiment, the second of its kind that has been undertaken in the State since the Rendition. The inauguration of the Representative Assembly, more than a quarter of a century ago, has been fully justified by the useful work it has done in its own sphere, whereby it has secured a definite place in the scheme of the Government. We are now for the second time broadening the basis of administration by inviting the co-operation of a number of official and non-official gentlemen in the discharge of one of the most important functions of the Government, *viz.*, that of legislation." The Dewan next referred to the somewhat faint line of distinction between official and non-official members so far as Mysore was concerned, and said "I fail to see any meaning in the antithesis so often set up between official and non-official views of a question, or the views entertained by Government and those entertained by the people. The Government here is all centred in the Maharaja, and you know that I am indulging in no expressions of exaggeration when I say that, so far as our Maharaja is concerned, he has, in governmental matters, no interest apart from those of his subjects. To him we may without suspicion of flattery apply the beautiful sentiments of the poet Kalidasa which were quoted the other day in the Imperial Legislative Council:

प्रजानामेव भूत्यर्थं स ताभ्यो बलिमग्रहीत् ।
सहस्रगुणमुत्स्रष्टुमादत्ते हि रसं रविः ॥

'For the welfare of the subjects themselves he used to take taxes from them, just as the sun takes water from the earth, to return the same a thousandfold in the shape of rain.'"

The establishment of the Council was generally welcomed by His Highness's subjects, and Mr. V. N. Narasimha Iyengar, a non-official member, giving expression to their feelings at the first session of the Council stated: "We look upon the Council as the recognition and fruition of the grand central principle that the interests of the Sovereign and his subjects are identical, and that it is indispensable in the cause of good and progressive government that the Ruler should be constantly in sympathetic touch with the people and should take into his mature consideration their ideals, sentiments and aspirations in every measure of legislation undertaken for their benefit." He thought that the appointment of non-officials by nomination, rather than by election, was indispensable at the time, as the elective principle was still in its infancy in India, and much more so in Mysore, although in Mysore it had the advantage of prospering under an indigenous rule. He said: "We hope that after this Council has been in practical working for some time, and when the results so far achieved will justify it, His Highness the Maharaja's progressive Government will be pleased, in the fulness of time, to enlarge the constitution and powers of the Legislative Council, so that it may become truly representative, and may be allowed to take a share with the Government in the administration of the country."

The working of the Council.

34. The Council set about its task in right earnest, and the opportunities afforded therein by the presence of non-officials were fully utilised by the Government in bringing out a series of well considered measures, and passing them into law, in conformity with public opinion as expressed in the Council. The first bill to be considered by the Council was the Village Offices bill, a measure of the utmost importance affecting the welfare of the rural public in general. The law on the subject had till then been scattered over a large body of rules and executive orders, many of them not known or easily accessible to the public. This bill, which had for its object the removal of many anomalies and misconceptions which had till then existed in respect of this important subject, was considered by the Council at three successive sittings and passed into law in October, 1908. On the completion of their labours, His Highness the Maharaja, in a Message addressed to the President, congratulated

the members of the Council, on the satisfactory manner in which this important and contentious measure had been dealt with. He said: "The discussions were full and informing and show that the members both official and non-official fully appreciate their responsibility and are prepared to bestow ungrudgingly their time and thought on the measures submitted to them. I should be glad, if the bill becomes law, to express my appreciation of the services rendered by the non-official members in particular."

The discussions in the Council were conducted as testified to by a later Dewan, Sir M. Visvesvaraya, "in a spirit of mutual concession and toleration." Within six years from the date of its establishment, the Council had to its credit nearly 30 enactments placed on the statute book, with a view either to help in the administration of the law or to promote the economic well-being of the people.

Election of two members by the Representative Assembly to the Legislative Council.

35. Though the Council was started at first with limited functions and with nominated members, no time was lost in enlarging its powers and widening its basis by introducing the principle of election. The members of the Representative Assembly had expressed a strong desire in 1907 that that body should be given the privilege of electing some members to the Council. The Dewan assured the Assembly that the privilege would not be long in coming, and that the same spirit of generosity in which His Highness had spontaneously instituted the Legislative Council would prompt him to give the House this valued privilege in due time. This assurance was carried out immediately; and by rules framed in exercise of the powers vested in the Government, under the Legislative Council Regulation, the Assembly was allowed to elect two persons from among its own members, one to represent the eastern and one the western districts of the State, and to recommend them for nomination by Government.

Reforms of 1913. (a) Indirect election.

36. In 1913, the strength of the Council was raised to a minimum of 15 and a maximum of 21, and a kind of indirect election was introduced for filling up some of the non-official seats. The number of seats allotted for recommendation by the Representative Assembly was

increased from two to four; and four more seats were thrown open for election by the districts. For the purpose of this election, the eight districts were divided into four groups of two districts each, and the local bodies and the electorate for the Representative Assembly in each group were to elect one member. The total number of electors in all the districts was about 11,250. The Council had thus eight elected members who, though technically nominated by the Government, were actually chosen by their respective electorates, the process of nomination by the Government being a formality.

(b) Qualifications of candidates.

A high property or educational qualification was prescribed for candidates for election. Persons paying a land revenue of Rs. 300, or a *mohatarfa* tax of Rs. 25, or Inamdars owning inam villages with a *beriz* of Rs. 500, with a sufficient knowledge of English to be able to take part in the proceedings of the Legislative Council were qualified to be candidates, as well as graduates of Indian or English Universities of ten years' standing.

(c) Enlargement of functions.

The functions of the Council were at the same time enlarged, and made more than merely legislative. The Council was given the right of asking questions on matters of public interest or importance, and the right of discussing the budget, but without the power to vote upon it. The number of interpellations was limited to 12 at each session, the selection of questions to be answered being dependent, among other considerations, on the measure of support accorded to them by the non-official members.

Grant of further privileges.

37. Further privileges were granted to the Legislative Council, within the next few years, in response to the wishes expressed by the Representative Assembly. In 1915, the right to ask supplementary questions was conferred on the Council. The same year, representations were made in the Assembly that the number of questions to be answered in the Council should be raised, and accordingly it was increased to 20. In 1916, the Assembly recommended the extension of the term of office of the members of the Council to three years, and this was given effect to in 1917.

Reforms of 1919.

38. In 1919, a further step was taken in the development of the Council. Announcing this development

in his Address to the Representative Assembly of that year the Dewan stated: "As the administration is growing in complexity and questions of finance involving additional taxation are coming into prominence, His Highness considers it necessary that in future non-official opinion should be even more fully utilised in connection with the task of administration. He has accordingly decided that the Legislative Council should be enlarged, and that each district, and not each group of two districts, should be able to send a representative to the Council. This is a reform which has been frequently asked for in this Assembly, and it gives His Highness much pleasure to be able to meet your wishes. Other changes in the Legislative Council include the creation of a seat for the Mysore University and four seats to be filled up by nomination. In the result the Legislative Council which now consists of 21 members will, in future, have a strength of 30 members."

Legislative Council Act of 1919.

39. This announcement was implemented the same year by the Legislative Council Act XI of 1919, which raised the strength of the Council to 30, consisting of 12 officials and 18 non-officials 8 of whom were to be elected. The Council was thus given a clear non-official majority, while its powers were at the same time enlarged by authorising its members to move resolutions on matters of general administrative interest, other than those excluded from the purview of the Council. The powers now vested in it enabled the Council to scrutinise the actions of the Government by exercising the important rights of discussing administrative matters, and of asking for information regarding the actions and measures of the Government by means of interpellations and supplementary questions.

Introduction of direct election.

40. The system of indirect election by local bodies which was in force had not given satisfaction to the people, and a desire had been expressed in favour of direct election as tending towards the election of a candidate in immediate touch with the people. The old system was, therefore, done away with, and the voters for the Representative Assembly in a district were constituted into an electorate and declared entitled to vote for a member for that district. It had been found that the property qualifications had placed the landed classes at a disadvantage, as few capable men

possessing those qualifications and competent to serve on the Legislative Council were to be found amongst them, with the result that members of the legal profession, some of whom possessed only academic qualifications, had more or less monopolised all the seats allotted to the districts. The property qualifications of candidates for election were therefore reduced to the payment of a land revenue of Rs. 100, or a *mohatarfa* or municipal tax of Rs. 15, or in the case of inam villages, a *beriz* valuation of Rs. 150.

## SECTION III—Changes in the Constitution of the Assembly.

Sir M. Visvesvaraya's Address in 1913.

41. The growth of the Representative Assembly proceeded side by side with the development in the constitution and functions of the Legislative Council. In his Address to the Assembly in 1913, the then Dewan, Sir M. Visvesvaraya, in announcing the increase in the number of representatives from the Assembly on the Legislative Council from 2 to 4 observed that although the Assembly had been in existence since 1881, no practical scheme had been put forward to show in what direction and in what manner the usefulness of that institution could be enhanced. He therefore invited the members of the Assembly to consider questions pertaining to the composition of the Assembly, the methods of electing members thereto, its functions and the system of transacting business, and promised to submit for His Highness's consideration the views expressed by them.[1]

Right of holding a second session and of considering the budget.

42. The Assembly had for some time been asking for the privilege of considering the budget and of offering suggestions thereon and of holding a second session for this purpose. This was granted in 1915-16. In 1916, His Highness the Maharaja issued a Rescript sanctioning the holding of a second session of the Assembly every year. The second session of the Assembly was held for the first time in April, 1917, when the budget was placed before it for discussion before its submission to the Legislative Council.

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(1) Sir M. Visvesvaraya's speeches, Vol. I, 1910-17, p. 127.

Changes effected on the recommendations of Committees appointed by the House.

43. A new procedure was adopted about this time for the preliminary investigation of questions by means of Committees. It was expected that this procedure, if properly developed, would facilitate the work of the Assembly by placing before it concrete issues or definite recommendations formulated after a thorough study of the questions by members specially interested in them. Among the Committees thus appointed was one to discuss and report on the constitution and improvement of the Assembly itself. On the recommendation of this Committee, certain changes were carried out in the constitution of the Assembly in 1918. First, the disparity in the property qualifications for the franchise in the different taluks was done away with, and the electorate was broadened by the adoption for all taluks of a uniform reduced qualification in respect of the payment of land revenue of Rs. 50, or of a *mohatarfa* payment of Rs. 10 per annum. Secondly, the distinction between the qualifications for voting and membership was abolished, thereby rendering voters eligible to stand as candidates for election. Thirdly, the privilege of interpellation on matters of public interest, subject to certain restrictions, was granted to the Assembly. Later a redistribution of the seats was made in order to provide larger representation to Municipalities; and the term of office of the members returned by the Municipal Councils and other public bodies was raised from one year to three years so as to bring it into line with that of the members returned from the rural constituencies.

Resolution in 1921 *re*: the grant of responsible government.

44. A resolution recommending the grant of responsible government in Mysore was sent up by some members for consideration in the June session of the Representative Assembly in 1921, but it was not admitted. The subject was brought up again at the next session during October, 1921, and this time it was allowed to be discussed. The Dewan, Sir. M. Kantaraj Urs, in his reply to the discussions stated that the Government while sympathising with the natural aspirations of the people, felt that the subject could not be rushed. He added: "Conditions in Mysore are not on all fours with those in British India and it will not do merely to copy what is considered suitable for British India. The question of adopting measures for giving the people an increasing share in the administration is engaging the earnest attention of the Government. The views of the Assembly as indicated in

the discussions to-day will be submitted to His Highness the Maharaja for his gracious consideration, and I trust it will be possible to evolve a scheme of reforms which may be placed before the Assembly for discussion when we next meet."

## SECTION IV—Constitutional Developments of 1923.

Appointment of the Seal Committee.

45. In October, 1922, a scheme of constitutional reforms was announced by the then Dewan, Sir Albion Bannerji, in the Representative Assembly, and a mixed committee of officials and non-officials was constituted with *Rajatantrapravina* Sir Brajendranath Seal, Vice-Chancellor of the Mysore University, as Chairman, for the purpose of working out the details of the scheme. The Committee examined in detail the whole theory of Government as applied to a State in which, while the Ruler's supremacy is retained, as large a share as possible in the Government is conceded to representatives of the people. The Committee saw that there was much in common between the working of the Representative Assembly, as it had developed till then, and the working of a Referendum. They thought that with some changes, the Assembly could be made to serve the two important ends of the Initiative and the Referendum. The members of the Assembly, the Committee said, emerging as it were from the body of the people "should bear mandates regarding the people's wants, desires and grievances which the Assembly may formulate for the purposes of an initiative to the legislature. They should be consulted in all important legislative measures, and the general principles of all bills (including bills of taxation) should be referred to them and their views ascertained. They should discuss the budget on general lines. And, finally, they may also bring mandates regarding matters which have been referred to the people by the Government or the legislature, especially in the case of bills touching, closely and directly, the people's daily life. Such functions, the Representative Assembly, properly composed and developed, can very usefully discharge." (1) The Legislative Council on the other hand, was to have a different function. It was "to shape and formulate legislative measures to secure the well-being of the

(1) Report of the Seal Committee, Para 19,

people by ways and means acceptable to the representatives of the people." Consequently, in its composition, it was not to be "an epitome of the people, but an assembly embodying its collective wisdom and virtue." (1)

The Committee submitted their report to the Government on the 7th March, 1923, and it was published on the 26th April, 1923, for public criticism. The report which was unanimous on all important points, except on the question of the representation of minorities, was widely discussed by public bodies in the State and at several conferences; and opinions and suggestions thereon were submitted by them for the consideration of the Government.

Proclamation announcing the reforms.

46. After a careful consideration of the report of the Committee, as well as of the views received by the Government, a Proclamation was issued by His Highness the Maharaja on 27th October, 1923, announcing the constitutional reforms sanctioned for the State. The Proclamation affirmed His Highness's earnest desire to provide for the increasing association of his people with his Government in the administration of the State, and announced that as the various measures which had been adopted from time to time in accordance with that desire had met with a gratifying response from the people, His Highness had resolved to take further substantial steps in the same direction. His Highness invited the people to utilise the larger opportunities for public service and usefulness to the State which he was now conferring upon them, and expressed his confidence that they would respond to his call with the same loyalty and sense of responsibility as in the past and in a spirit of mutual toleration and goodwill. The law relating to the constitution and functions of the Representative Assembly and the Legislative Council was promulgated in Acts XVIII and XIX of 1923 respectively, by virtue of His Highness's prerogative.

Powers of the reformed Representative Assembly: legislation etc.

47. The Representative Assembly, the existence of which had till then been based on an executive order, was now given a definite place in the constitution, and its powers and functions were defined by the Representative Assembly Act and the rules framed thereunder. By

(1) *Ibid*, Para 23.

the provisions of this Act, an obligation was laid on the Government to place the general principles of every bill before the Assembly in the form of a statement, except in cases of urgency, and to ascertain its opinion thereon, before introducing the bill in the Legislative Council. The right of moving amendments to such general principles was conferred on the members of the Assembly, as well as the right to move resolutions on matters relating to public administration. No recognised right had till then been possessed by the Assembly of expressing its views on proposals for new or additional taxation, although the Government had in previous years consulted that body in regard to certain important measures of taxation, as for example, the levy of income-tax in the State. It was now expressly provided that no new tax should be levied unless the opinion of the Assembly had been obtained beforehand.

Its powers in respect of the budget.

48. The powers of the Assembly in respect of the budget were further extended so as to include the right of moving resolutions on the budget. But in keeping with the constitution and character of the Representative Assembly, the resolutions on the budget were to be restricted to the general principles underlying the budget, and not to particular grants or appropriations. The following heads of expenditure were kept outside the purview of the Representative Assembly as well as of the Legislative Council :—

(1) the Palace, including the Staff and Household of His Highness the Maharaja ;

(2) the Military Forces of His Highness the Maharaja ;

(3) the pensions of public servants ;

(4) items of expenditure relating to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States ; and matters governed by treaties, conventions and agreements then in force or thereafter to be made by His Highness the Maharaja with the Paramount Power ;

(5) interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans, and

(6) expenditure prescribed or authorised by law.

Composition of the Assembly.

49. The strength of the Assembly was fixed at 250 normally, but power was vested in the Government by the statute to increase the number up to a maximum of

275 for the purpose of removing inequalities, if any, of representation, and in order to meet the demand for the representation of constituencies that might develop in course of time. The membership of the Assembly was restricted to non-officials as before, but officers deputed by the Government for the purpose were allowed to attend the Assembly and to take part in its proceedings, but without the right to vote. Not less than 150 and not more than 50 members were to be elected by rural and urban constituencies respectively.

Representation of special interests and minorities.

50. The representation of special interests, such as Planting, Gold Mining, Trade and Commerce was systematised, and Labour was for the first time given representation on the Assembly as well as on the Council. A minimum of 15 seats was allotted to special interests in the Assembly and was to be filled up as far as possible by election through associations serving special interests and satisfying prescribed conditions. Adequate provision was also made for securing the representation of minority communities by a system of " facultative representation " by which minority communities were to be represented either through recognised associations formed for the furtherance of the specific interests, or for the general advancement, of the community, or by nomination by Government in the absence of such associations. Not less than 35 seats were reserved for the representation of minorities, of which 25 were to be filled up ordinarily by election through associations and 10 by nomination by Government. In the case of communities which formed distinct social groups and were not likely to obtain their due share of representation through the general electorate, *viz.*, Muslims, Indian Christians and the Depressed Classes, a minimum number of 15, 5 and 3 seats respectively, were guaranteed, and in the event of those communities not obtaining the required number of members through the rural and urban constituencies, provision was to be made for the return of such number of members as might be required to make up the guaranteed number, either through recognised associations or by nomination by Government. Other communities which numbered 20,000 or more in population and failed to obtain representation through the general electorate were also to be represented in the Assembly through associations satisfying certain prescribed conditions, while the Government were empowered to nominate a member

to represent any community numbering even less than 20,000, if circumstances should justify such special treatment.

Composition as last constituted.

51. The actual composition of the Assembly as last constituted in 1937 was as follows:—

| | | | |
|---|---|---|---|
| (1) General Constituencies:— | | | |
| Rural ... ... ... | | | 164 |
| Urban ... ... ... | | | 46 |
| (2) Minorities:— | | | |
| Elected ... ... | 19 | | |
| Nominated ... ... | 25 | | |
| | | | 44 |
| (3) Special Interests:— | | | |
| Nominated ... ... | 10 | | |
| Elected ... ... | 10 | | |
| | | | 20 |
| Total ... | | | 274 |

The reformed Legislative Council: its composition.

52. As regards the Legislative Council, with a view to secure representation in it, as far as possible, for all the interests in the State, its strength was increased to 50, exclusive of the Dewan-President and the Members of the Executive Council who were to be *ex-officio* members. The non-official element in the Council was fixed by the statute at 60 per cent of the total strength, thus ensuring a non-official majority in the Council. Two-thirds of the non-officials were to be returned by election by the Representative Assembly and by urban, rural and non-territorial constituencies, the remainder being nominated by the Government to represent minority groups and special interests, for the representation of which no specific provision had till then been made. The distribution of seats between official and non-official, elected and nominated members was as follows:—

I. *Non-officials*:

A. Elected members—

(*a*) Urban constituencies, *viz.*, the city municipal areas of Bangalore and Mysore (1 each) ... ... 2

| | | | | |
|---|---|---|---|---|
| (*b*) Rural constituencies, *viz.*, the eight districts (1 each) | ... | ... | ... | 8 |
| (*c*) The Representative Assembly | | ... | ... | 8 |
| (*d*) Special Interests : | | | | |
| Mysore University | ... | ... | 1 | |
| Commerce and Trade | ... | ... | 1 | |
| Planting | ... | ... | 1 | |
| Labour | ... | ... | 1 | |
| | | | — | 4 |
| B. Nominated | ... | ... | ... | 8 |
| | | Total non-officials | ... | 30 |
| II. Nominated officials | ... | ... | ... | 20 |
| | | Total | ... | 50 |

A minimum of two seats was guaranteed to Muslims and one seat each to Indian Christians and Depressed Classes. In the event of these minorities failing to secure this number through election either by the Representative Assembly or the general electorate, the difference was to be made good by elections through associations recognised for the purpose, or by nomination by the Government.

Powers of legislation.

53. The Council already possessed full powers of legislation on all matters other than those specifically kept out of its jurisdiction. The list of such excluded subjects was curtailed so as to bring within the purview of the Council all matters pertaining to the internal administration of the State, the subjects excluded being those relating to the Royal Family, Imperial relations and changes in the Constitution of the State. They were :—

(*a*) the Ruling Family of Mysore;

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States;

(*c*) matters governed by treaties, conventions, and agreements then in force or thereafter to be made by His Highness the Maharaja with the Paramount Power;

(*d*) the provisions of the Legislative Council Act;

(*e*) the provisions of the Representative Assembly Act;

(*f*) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

In all matters thus excluded from the purview of the Council, the Government were empowered as before to frame such regulations as might be necessary, and also to frame temporary emergent regulations for a period of six months on matters falling within the scope of the Council and submit them for His Highness's assent. The prerogative of the Maharaja to make laws independently of the Council, which was all along implicit, was expressly affirmed in the statute.

Powers over the budget.

54. The powers of the Council in respect of finance were extended to include the power of voting on the annual budget by major heads. The proposals of the Government for the appropriation of revenues or other moneys on all heads other than those excluded from the purview of the two Houses were to be submitted to the Council in the form of demands for grants. The Council was empowered to assent, or refuse to assent to a demand, or to reduce the amount specified therein either by a reduction of the whole grant, or by the omission or reduction of any of the items of expenditure in the demand. The vote of the Council rejecting or reducing any demand was binding on the Government, except in cases where the Government considered that the expenditure provided for by the demand was necessary for the carrying on of any department, or for the discharge of the Government's responsibility. In such a case they were empowered to restore the rejected or reduced demand and to act as if the demand had been assented to by the Council. The grant of these powers was coupled with an increase in the number of resolutions and interpellations that could be brought at any session of the Council.

Extension of the franchise.

55. The bases of both the Assembly and the Council were further widened by an extension of the franchise on a large scale. The property qualifications of voters to the Representative Assembly were reduced by 50 per cent. In rural constituencies the qualifications for the voter were reduced to an assessment to land revenue of Rs. 25, or a *kadim* tenancy with a rent of Rs. 25, or payment of *mohatarfa* or municipal tax of Rs. 5, or mere payment of income-tax, or the ownership of inam villages with a *beriz* of Rs. 125. In urban constituencies the property qualifications were to be the same as those prescribed for voters at municipal elections, and the other

qualifications the same as those for voters in rural constituencies. In the case of the Legislative Council, in view of the difference in functions and powers between the two bodies, the property qualifications were fixed twice as high as those of the voters to the Assembly.

## SECTION V—Important Changes since 1923.

Reduction of property qualification for the Legislative Council.

56. (*a*) The past fifteen years have witnessed a series of further developments within the frame-work of the reformed constitution of 1923, which have been effected in response to a number of resolutions passed either in the Legislative Council or the Representative Assembly, and on the recommendations of successive Committees appointed from time to time. The first change of importance was made three years after the inauguration of the new reforms. A resolution was unanimously adopted at the Representative Assembly after considerable discussion during the Dasara Session of 1925 recommending that the property qualifications of voters and candidates to the Legislative Council in the rural constituencies might be reduced by 50 per cent, so as to make them correspond with those fixed for voters to the Assembly. This recommendation was accepted by the Government, with a view to enlarging the electorate to the Legislative Council, and effect was given to it with the reservation that the qualifications of the candidates to the Council should however remain unchanged.

Removal of sex disqualification.

(*b*) Similarly, in response to a resolution passed by the Legislative Council in February, 1927, the disqualification of candidates on the ground of sex was removed, enabling women to stand for election to the Representative Assembly and the Legislative Council.

Extension of franchise to title-holders.

(*c*) A Committee appointed in 1926 recommended *inter alia* the extension of the franchise to title-holders for both the Legislative Council and the Representative Assembly and this was approved by the Government.

Redistribution of seats and increase in the number of seats

57. Another Committee, appointed in 1932 to review the distribution of seats in the Representative Assembly and to examine certain other questions referred to it, suggested that the number of seats allotted to each taluk or sub-taluk should generally have some reference to its population.

The Committee proposed that taluks having a population of over one lakh should have 3 seats, those having a population between 50,000 and one lakh two seats, and those with a population of less than 50,000, one seat. The Committee further suggested the increase of the number of seats guaranteed to Muslims from 15 to 18 and those of the Depressed Classes from 6 to 10, the latter being contingent on suitable persons being available for nomination, and the introduction of the system of proportional representation by means of the single transferable vote for the election of members of the Representative Assembly from the city constituencies of Bangalore and Mysore. These proposals excepting that relating to the increase in the number of seats to be reserved for the Depressed Classes were accepted by the Government, and given effect to by them. guaranteed to minorities.

58. A third Committee was appointed in 1935 to enquire *inter alia* into the desirability of retaining the Representative Assembly as a constituency for returning members to the Legislative Council. The Committee drew attention to the fact that the two bodies in Mysore were not designed to form part of a composite bicameral legislature, but were more or less independent bodies with defined functions of their own, and pointed out that by sending representatives to the Legislative Council the Assembly would more or less lose to some extent its independent and original character and come under the leading strings of the Legislative Council. The Committee were further of opinion that the system of indirect election of members to the Legislative Council had not produced the result which was originally expected of it, *viz.*, that it might reflect the various shades of opinion in the country, and that the results of the elections during the previous twelve years had disclosed that the two cities of Bangalore and Mysore got a representation of about six members out of eight returned by the Representative Assembly, the result being that the cities got a preponderance of seats under the system. The Committee accordingly recommended that the Assembly should not any longer serve as an electorate for the Legislative Council and that the eight seats thus withdrawn from the Representative Assembly should be distributed among the eight districts. The Committee further recognised that there were obvious advantages in restricting the Changes made on the recommendation of the Committee of 1935.

membership to one House only, following in this respect the example of British India, where no person could be a member of both the Legislative Assembly and the Council of State or of the Provincial and Imperial bodies. The Committee were also of opinion that experience had shown that legislative business was impeded by the necessity to place a statement of the general principles of proposed bills before the Representative Assembly in the first instance. They were of opinion that, whenever it was found necessary by the Government, a bill might be first introduced in the Legislative Council and its general principles placed before the Representative Assembly at the earliest opportunity before the final passing of the bill. These proposals were accepted by the Government and necessary amendments were made in the Representative Assembly and the Legislative Council Acts.

## SECTION VI—Working of the Reformed Constitution.

Government legislation.

59. The working of the reformed constitution and the extent of the influence exercised by the two Houses on the Executive may now be briefly noticed. So far as legislation is concerned, 150 bills initiated by the Government since 1924 have been passed into law up to the end of December, 1938. Of these the general principles of 139 were placed before the Assembly in the form of statements as required by the constitution, and the opinions of the Assembly thereon were ascertained before their introduction in the Legislative Council. In respect of the remaining 11 bills, owing to their urgency, the Government, in exercise of the powers vested in them till 1936 of introducing a bill in such cases without previous consultation of the Assembly, introduced them into the Legislative Council, and they were passed into law. Of the 139 bills on which the Assembly was consulted the general principles of 16 were not approved by it, but the Government deemed it necessary to proceed with them further. They were therefore taken up to the Legislative Council and passed into law in due course. Among the bills thus thrown out by the Assembly and yet passed into law were bills to amend the Penal Code and the Criminal Procedure Code in regard to the suppression of the circulation of traffic in obscene publications, the Agriculturists' Relief bill, the Contempt of Courts bill,

the Irrigation bill, and bills relating to the development of the Sugar Industry, the levy of Excise duty on Sugar, Road Traffic and Taxes, and the Removal of Religious and Caste Disabilities. The verdict of the Assembly in respect of 21 bills which were rejected by it was accepted by the Government, with the result that the bills were not proceeded with further. The more important of these bills were those dealing with election offences and inquiries, and for preventing and controlling the spread of contagious diseases. All the 150 bills initiated by the Government were considered and passed by the Legislative Council and no measure has been rejected by it at any time.

Private members' bills.

60. As regards private members' bills, three bills were brought up by the members of the Legislative Council. The first was a bill for restraining the solemnisation of child marriages. The Council refused leave to introduce it. The other two bills were, one for the suppression of immoral traffic in the State, and the other for the removal of legal obstacles to the marriage of Hindu widows. Both of them were approved by the Assembly, and later passed by the Legislative Council and became law in due course.

Legislation in response to resolutions.

61. The power of moving resolutions has often been used by the members of the Assembly for urging the necessity of initiating legislation in respect of certain matters. Twelve such resolutions have in all been passed in the Assembly, and legislation has actually been undertaken in pursuance of four of them. These were the Agriculturists' Relief Act, an Act for the removal of legal obstacles to the marriage of Hindu widows, and an Act for the suppression of immoral traffic in the State. Two resolutions were passed pressing for the prevention of cow-slaughter by legislation. The question was examined by a Committee appointed by the Government in 1926. A resolution of 1926 and subsequent resolutions on the subject of appointing a Committee for the reform of Hindu Law led to the appointment by the Government in 1929 of a Committee to examine the question of improving the position of women under the Hindu Law of Inheritance. Legislation was undertaken in the light of the Committee's recommendations and resulted in Act X of 1933. The prevention of beggary in the State was the subject matter of a resolution in the Dasara session

of 1928. As the provisions of Section 56 of the Police Act penalising importunate street begging were considered sufficient for the purpose, the matter was not pursued further. No action was considered immediately necessary in respect of the resolutions passed by the Assembly about the prohibition of the slaughter of animals during *jatras*, the enabling of members of every community to take out processions in all public streets irrespective of *mamool* or custom, the abolition of untouchability in the State, and the empowering of the High Court to issue writs of *Mandamus*, *Certiorari* and *Habeas Corpus*.

Legislation on excluded subjects.

62. As regards legislation on subjects excluded from the purview of the Legislative Council and the Representative Assembly, two measures have been passed into law during the period. They were Acts XI and XII of 1936 amending the Representative Assembly and the Legislative Council Acts respectively, and intended to give effect to the constitutional changes recommended by the Committee appointed in 1936, which have been referred to above.

Temporary emergent Acts and exercise of special powers.

63. The powers vested in the Government to frame temporary emergent Acts were exercised in respect of four measures. The first was Act I of 1926, the Cotton Excise Duty Suspension Act, which followed the corresponding British Indian statute passed in that year and was intended to bring Mysore into line with British India in respect of the abolition of the cotton excise duty. The second was the Italian Loans and Credits Prohibition Act, II of 1936, and the other two were the Match Excise Duty Act, I of 1934, and the Sugar Excise Duty Act, VII of 1937, which were designed to give effect to the agreement with the Government of India in respect of those two duties. All the four emergent Acts were later passed by the Legislative Council and placed permanently on the statute book. It is significant to note that the special powers of the Maharaja to reserve to himself any class of subjects by withdrawing them from the purview of the Council, and also his prerogative to make laws independently of the Council in matters falling within the purview of the Council, have not at any time been exercised since the Council was established in 1907.

Interpellations.

64. Outside the sphere of legislation too the influence exercised by the Assembly and the Legislative

Council on the Executive by other methods provided in the Constitution has been no less noteworthy. The power of interpellation was freely exercised by members of both the Houses in an increasing measure to elicit information with regard to matters relating to the administration of the State. The total number of interpellations which in 1924 was 93 in the Assembly and 104 in the Legislative Council stood in 1938 at 141 and 181, respectively.

Resolutions.

65. The other mode of influencing the Government, *viz.*, the passing of resolutions, has also been freely resorted to. The total number of resolutions discussed in the Assembly since 1924 was 362, of which 181 were withdrawn after discussion. Of the remainder, 61 were accepted by the Government, 100 passed and 20 rejected by the Assembly. In the Legislative Council 178 resolutions came up before the Council, of which 130 were withdrawn with or without discussion, 22 were accepted by the Government, 13 with and 9 without modifications. Of the 26 divisions in the Council, 19 were in favour of the Government and 7 were against it. The subject matter of the resolutions in both the Houses ranged over the entire sphere of the administrative and social activities in the State. The largest number of resolutions on any single subject dealt with by the Assembly related to education. Next in order came resolutions relating to salaries and services, communal representation in the services, land revenue, irrigation, medical relief and local self-government. As instances of the topics dealt with in the resolutions in the Legislative Council may be mentioned the introduction of Kannada as the medium of instruction in all high schools, an enquiry into the economic condition of all classes of people, the compulsory levy of education cess, the construction of electric tramways in Bangalore, the employment of local talent in all appointments of trust and responsibility in the State Railways, the introduction of legislation to oblige industrial concerns with a capital of Rs. 5 lakhs and above to give training to graduates, the increasing of the number of primary schools by 5,000 on a five year programme, the empowering of local bodies to launch criminal prosecutions for non-payment of taxes due to them, the enhancement of the grant for the scholarships to students of the backward and depressed classes, and the abolition of the Central Recruitment Board.

Representations.

66. The number of representations sent up for any session of the Assembly since 1924 has ranged between 200 and 300. The total number of representations which came up for discussion in the Assembly was 1,594. It is seen that action has been taken by the Government wherever practicable in respect of representations. A report of the action taken by the Government is being printed and circulated to the members of the Assembly after each session.

Resolutions on constitutional changes.

67. Resolutions in respect of constitutional changes were often discussed and sometimes given effect to by the Government. Thus it was in response to a resolution discussed in the Legislative Council in 1924 that the property qualifications of voters to the Legislative Council in rural constituencies were reduced to the level of those prescribed for the voters of the Assembly. Similarly the disqualification arising from sex, rendering women ineligible to stand as candidates for election to the Representative Assembly and the Legislative Council, was removed in accordance with a resolution passed by the Legislative Council in 1927 as already referred to.

Exercise of financial powers.

68. As regards financial powers, the Representative Assembly has freely made use of its power of passing resolutions on the budget, and a series of them have, wherever possible and practicable, been accepted by the Government and given effect to. In the Legislative Council, no motion to omit or reduce any grant or any item in a grant has, so far as we are aware, been carried. The procedure generally followed was to move for a cut of a nominal amount in a demand, with a view to raise a discussion on the policy of a department, or to draw the attention of the Government to any matter connected with the object of the grant. The total number of cut-motions tabled under the reformed Constitution was 2,469, which were either not moved or were withdrawn after discussion, with the exception of a very few motions which were pressed to a division and lost. No occasion has therefore arisen calling for the exercise of the special powers vested in the Government of restoring a rejected or a reduced demand.

Standing Committees.

69. The other instruments through which the two Houses have been able to influence the administration are

the Standing Committees. The Seal Committee thought that such Committees or Boards would be aids to administration as well as to legislation, and that they were the means to a closer *rapport* between the Government and the people. On the recommendation of the Committee, three Standing Committees were formed, one in connection with the Railways, Electrical and Public Works Departments, another in connection with Local Self-Government and the Departments of Medicine, Sanitation and Public Health, and a third one in connection with Finance and Taxation. Each of the Standing Committees consisted of six members, of whom four were members of the Representative Assembly and the remaining two were drawn from the Legislative Council. The members were selected by the Government out of a panel of 15 elected by the Representative Assembly, and 10 elected by the non-official members of the Legislative Council. The Member of the Executive Council in charge of the Departments to which the Committee related was the Chairman of each Committee. The functions of the Committees were purely advisory and their proceedings were treated as confidential. It is not possible to have a consistent review of their working, but it may be stated that they have been serving a useful purpose, not only in providing a training for selected members of the two Houses by giving them an insight into the details of actual administration, but also by making their knowledge and experience available to the Government.

## SECTION VII—Local Self-Government.

Evolu of local self-government.

70. We have now to deal briefly with the evolution of local self-government in Mysore. Its beginnings in the districts go back to 1874, when under rules issued by the Chief Commissioner, District Committees consisting of select non-official gentlemen were formed to help the district officers in the work of administering local funds which were being raised since 1860 by the levy of certain cesses and fees, and intended to be used for local necessities such as education, roads, medical relief, etc. The Bangalore City Municipality came into existence as far back as 1862. After 1881, the introduction of legislation regarding local boards engaged the prolonged attention of the Government. A bill was prepared as early as 1883 and was submitted to the

Government of India in 1885. The final approval of the Government of India was received in 1902, after which it was passed into law. The rules under the enactment were issued in September, 1903. Under these rules, eight Boards were constituted for the eight districts, and seventy-seven Taluk Boards—one for each taluk and sub-taluk. Thirty-eight Unions were also brought into existence in the smaller towns. It was provided in the new Act that a certain proportion of popularly elected members from each taluk should be returned to the District Boards, whose functions were enlarged and defined. The District Boards, however, continued to be under the control of the district officers. This was also the case with the municipalities which, prior to 1906, had been brought into existence by executive orders of Government and subsequently under the Municipal Act VII 1906.

Reforms of 1918.

71. The question of liberalising the constitution and powers of the local bodies was under the active consideration of the Government, and two Committees were appointed for this purpose in 1914. A Conference of Local Boards and Municipalities was also held in the year 1915. In 1916-17, rules were framed by the Government permitting the election of Vice-Presidents by District Boards. The reports of the Committees were placed before the Government and they passed orders thereon in 1916. The Committee had characterised the provisions of the Local Boards Regulation as illiberal. They found that the Taluk Boards had been inactive mainly because they had no distinct sphere of work allotted to them, and had so far been merely agents of the District Boards. Under the scheme recommended by the Committee, there was to be an elected majority in all Boards. The Taluk Boards were given independent powers, subject only to the control of the District Boards in some respects, to administer functions of a more or less localised character, leaving to the District Boards such functions and services as required co-ordinate organisation throughout the district. A separate Taluk Board Fund was to be created for administrative purposes, as well as a separate budget. As regards District Boards, it was the Government's desire to develop them ultimately into District Councils, and they were therefore given the power to pass resolutions even on matters that did not ordinarily

come within their cognisance and submit them to the Government for their consideration. In order to embody these and other provisions in legislation, it was considered advisable to recast the law relating to local boards as a whole, instead of merely amending the old Regulation. Accordingly, the new Local Boards and Village Panchayets Act (VI of 1918) was passed. Hitherto, Village Improvement Committees had been in existence and were working under rules framed by the Government. The new Act provided a statutory basis for constituting uchs of them as were working satisfactorily, into village authorities dealing with improvements, sanitation, etc.

In 1919, the constitution of District and Taluk Boards was defined in accordance with the new Act, and rules were also framed regarding the representation of important interests and communities in these Boards. In the next year the work relating to economic development which had hitherto been entrusted to District and Taluk Committees was transferred to the District Boards, rendering it obligatory on the part of Boards to devote attention to economic development and to levy an education cess. The Bangalore District Board was given the privilege of electing a non-official President, and non-officials were appointed Presidents of two other District Boards, and all District Boards were given non-official Vice-Presidents.

The law relating to Municipal Councils was also recast in 1918, along with that relating to Local Boards. Municipalities were classified into City, Town and Minor Municipalities. The elected element was raised to one-half in the case of Town Municipalities, and to two-thirds in the case of City Municipalities. The Bangalore City Municipality had been given a non-official President in 1913 and the right of electing a President in 1920. The principle of having elected Presidents for City and Town Municipalities was accepted by the Government, and the Deputy Commissioners, as a rule, ceased to be Presidents of Municipal Councils. Assistant Commissioners and Amildars, however, continued to be the Presidents of Municipalities in taluks, except where suitable non-officials were available. Several Town and Minor Municipal Councils were given the privilege of electing their Vice-Presidents. Generally the control of the Government was relaxed, and the scope of the Councils enlarged, and provision was made

to empower select Councils to control elementary education, medical relief including vaccination, and Muzrai institutions. In 1921 the law was amended so as to enable Municipalities to undertake the work of economic development also.

Further developments.

72. A Local Self-Government Conference was held in 1923. Among the more important of their recommendations which were accepted by the Government were the abolition of Taluk Boards and Village Improvement Committees, and the placing of all Village Panchayets on a statutory footing. In actual working, it had been found that the Taluk Boards did not possess adequate resources to do any useful work, and were a costly and unnecessary unit in the administration. On the other hand, the importance of awakening the interest of the people in rural improvement by developing autonomous institutions in the villages had long been recognised as a fruitful means of growth. The Taluk Boards were therefore abolished in 1927, and the establishment of a Panchayet for each village, or group of villages, with separate resources for attending to their vital needs was sanctioned. The District Boards Act was amended, and the constitution of Village Panchayets was regulated by a separate enactment passed in the same year. The Panchayets were to consist of 5 to 12 members, at least half of whom were to be elected. The Chairman was to be nominated by the Government in the initial stages, the right of election being conceded when the Panchayets were well established and working satisfactorily. The functions of the Panchayets were to be classified into obligatory and optional. The former was to include village sanitation and communications, and the latter all other items, *e.g.*, promotion of the health, convenience and comfort of the inhabitants. Selected Panchayets were to be entrusted with powers under the Village Courts and the Tank Panchayet Regulations and the Forest Panchayet Rules, and provision was also made for the transfer of control over Muzrai institutions and schools. To enable Panchayets to function efficiently they were empowered to levy certain taxes. The Panchayets were placed under the guidance of the Amildar.

Recent progress.

73. The Elementary Education Act was passed in 1930 with the main object of investing the local bodies with the management, control and financing of elementary

education. The transfer of the control of primary education to local authorities took place on 1st July, 1931. The Acts relating to local self-government were further amended in 1932-33. The main feature of the revision of the Municipal Act was the introduction of adult suffrage in Minor Municipalities and the increase of the elected element in the Municipal Councils. For nearly eight years now, every District Board in the State has had an elected President and Vice-President; and the official and nominated elements in the Boards have been considerably reduced. Thus, out of a total of 295 members for the eight District Boards in the State, 199 were elected and 60 non-officials nominated by the Government, the remaining 36 being *ex-officio* members. They have exercised control over expenditure exceeding Rs. 22 lakhs annually.

The number of Municipalities in the State excluding the cities of Bangalore and Mysore, is now 104, out of which 40 are Town Municipalities and 64 Minor Municipalities. Only 4 of these have elected non-official Presidents. All the Town and Minor Municipal Councils, with one exception, have elected Vice-Presidents.

There are 11,843 Village Panchayets in the State with a membership of 88,901. 485 of these have got elected Chairmen. The total income of all the Panchayets for the year 1937-38 amounted to Rs. 11·13 lakhs, and the total expenditure to Rs. 10·81 lakhs. The total funds at the credit of these institutions at the end of the year amounted to over Rs. 32 lakhs.

Working of local self-governing institutions.

74. In general, from the reports we have received regarding the working of the local bodies, it is seen that increasing interest is being taken by the people in the management of their own affairs. Many works and services of public utility are being carried out by the local bodies. In fact in their enthusiasm, local bodies have sometimes undertaken works without due regard to their resources. In the case of the District Boards, however, the somewhat unsatisfactory financial position appears to have been due in the main to the inelastic nature of their revenues. The question of improving their income recently engaged the attention of a committee presided over by our colleague Mr. S. Hiriannaiya. We observe that although the working of local self-governing bodies has not been free

from shortcomings, a very good record of achievement stands to the credit of non-officials especially in the sphere of the District Boards and Municipalities under the control of non-official Presidents. The principal shortcomings too have had relation not so much to the capacity of non-officials for the efficient management of affairs, as to the general quality of the political consciousness in the country. Thus, communal considerations still appear to influence elections to local bodies, and sometimes even their measures and policies. This has necessitated the retention by the Government of the power to nominate a certain number of members to the local bodies in order to remove inequalities of representation, as the minority communities have so far stood little chance of success in the general elections. In the Village Panchayets, the system of elected chairman has apparently not been very popular, perhaps because villagers have been anxious to avoid incurring the unpopularity incidental to the levy and collection of taxes. The Panchayets have not evinced much interest in the matter of the levy of optional taxes, and have often lagged behind even as regards collection of the compulsory taxes, with the result that recently the Government have had to take power to arrange for their collection through official agency. In general, the working of Village Panchayets, as compared with that of the Municipalities and District Boards, goes to show that the level of civic and political sense in the rural areas is considerably lower than that in the towns.

This concludes the narrative of the growth and working of representative institutions, including local self-governing bodies, in Mysore. We have deemed it necessary to go into this matter at somewhat greater length than usual, so as to give at a glance a connected picture of constitutional evolution in Mysore during the last six decades. We shall proceed in the next chapter to deal with the growth of political consciousness in Mysore and the fundamental considerations which have to be kept in view in formulating a scheme of reform.

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# CHAPTER III.

## Fundamental Considerations.

### SECTION I—The Growth of Political Consciousness.

The objective in brief.

75. We have set out in some detail the historical background against which we have to consider the necessity for further reform and the shape which such reform will have to take. In the Government Order appointing the Committee, we have been asked in general terms to formulate proposals as to further changes "which may be desirable in order to secure the steady and harmonious constitutional progress of the State from the point of view of all the interests concerned." According to the same Government Order, the object to be aimed at in formulating our proposals is to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship, on the basis of the ideals and principles enunciated in the gracious Address of His Highness the Maharaja to the joint session of the reformed Representative Assembly and Legislative Council in 1924.

His Highness's Address in 1924.

76. In our opinion, that Address (Appendix VI) is a constitutional document of great and enduring importance, and the ideals inculcated therein are as true and as applicable to-day as when they were pronounced fifteen years ago. It is in essence nothing less than a charter of the political liberties of the people of Mysore, and a guarantee of ordered constitutional progress in the State in the future. The inauguration of the new Constitution has been described therein as but "a step in a continuous and well-ordered process of development, which has been going on for over forty years," and the hope is expressed that "the process will continue with the same adaptability in the future." It is also observed: "We have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations." The key-note of that Address may thus be described as the continuity of planned constitutional progress. It is in

the light of this principle that we have discussed our problems and submitted our recommendations, so as to avoid stagnation as well as precipitate change.

The recent past.

77. In the course of the self-same Address occurs the following observation : " That the history of Mysore in the recent past has run smoothly is a good omen for the future." For thirteen years thereafter, history continued to run with more or less the same smoothness. Though there has been a certain amount of demand for "Responsible Government" in the State for some time, the agitation for it has become intensified of late through the activities of the Congress. It is significant that its commencement coincided with the inauguration of what is popularly called " provincial autonomy " in British India and the advent into power of the Indian National Congress in the majority of the Provinces. We are not suggesting that it should or could have been otherwise. To our mind it is but one more indication of the fact that no well-ordered Indian State can hope to remain in isolation, uninfluenced by what is going on outside in the rest of India. The most difficult portion of our task has been to assess to what extent the recent agitation in the State is an induced phenomenon and to what extent it is really a spontaneous growth. For on what is indigenous will depend mainly the extent to which the existing Constitution will need modification. It is our profound conviction that any blind attempt to copy the evolution in British India, ignoring the traditions in vogue in an Indian State like our own, will be fraught with serious consequences. As has been well observed by the Seal Committee, " Even if political institutions were accidental by-products of history, they could not be imported wholesale from abroad ; but in truth they are regional products and the true test of a people's self-governing capacity is the capacity for fresh institutional construction from within in response to the forces of the given region and environment." (1)

Difference in conditions between India and Mysore.

78. In gauging the pace of political activity in Mysore as compared with British India, we may therefore well begin by taking into account important points of difference. Political activity in British India may be said

(1) Report of the Seal Committee, Para 22.

to have been organised on an all-India basis, when the Indian National Congress was started in 1885. It really derived its first inspiration from British sources and ideals, and for twenty years thereafter was not in any way averse to governmental co-operation. Subsequent tendencies, however, took a different direction, and a pronounced cleavage in interest between the rulers and the ruled has characterised the course of politics in British India. Some interesting observations regarding the origin of the political agitation in British India and the difference between the circumstances in Mysore and those in India are contained in the Dewan's Address to the Dasara Representative Assembly in October, 1908. After referring to the working of the Representative Assembly and the Legislative Council, the Dewan, Mr. V. P. Madhava Rao, reminded his hearers :—" We have a completely organised system of Government modelled on that of British India and manned almost entirely by Indians. The efforts of Government have been continuously directed to the promotion of the moral and material good of the people. . . . Possessing all these advantages it would be sheer folly if, misled by catch phrases and spurious agitation, we allowed ourselves to be seduced from our duty to ourselves and to the State. . . ."

Early political activity in Mysore.

79. Whatever may have been the causes for the cleavage of interests between the rulers and the ruled in British India, no such cleavage has ever existed in Mysore. But on the other hand, the relations between the Ruler and the ruled have been characterised by a harmony which has been the admiration of outsiders. Although the Representative Assembly was started as far back as the year 1881, *i.e.*, four years earlier than the Indian National Congress, it did not become a nucleus for political agitation. Grievances of a tangible character were expressed in the Assembly and the Government gave them due consideration. There was no political ferment as in British India. As we have said before, the *de facto* position of the Assembly was superior to its position in theory and generally speaking there was contentment. In comparison with the circumstances in contemporaneous British India, it is a curious commentary that in Mysore, thirty-two years after the Assembly had come into existence, *i.e.*, in 1913, the head of the Administration himself had to tell the Assembly that no practical scheme

had been put forward by it so far, to show in what direction and in what manner the usefulness of the institution could be enhanced; he had to urge the members to offer their suggestions. Political aspirations were thus not very conspicuous in the earlier stages.

The communal movement.

80. The War and the political ferment consequent thereon in British India, the agitation for Home Rule, the Montagu announcement and the reforms which followed, had some mild repercussions in Mysore. But the principal happening outside, which influenced Mysore, was the formation of the non-Brahmin party in Madras, in 1917. The agitation caught on rapidly in Mysore and took the shape of a demand for adequate representation in the public services of communities which were not sufficiently represented. In 1918, a non-Brahmin deputation waited on His Highness the Maharaja in this behalf. While assuring them of his sympathy, His Highness advised the deputationists that they should be careful not to do anything which would tend to mar the unity and harmonious relations which had hitherto existed among the different classes of people in the State, and which were an essential condition of all real progress. Soon after, a Committee was appointed with Sir Leslie Miller, Chief Judge of Mysore, as Chairman, to consider the problem. Their report was submitted to the Government in August, 1919. The Government after anxious deliberation passed orders thereon in May, 1921. It may be said that this order has had very extensive reactions. It was the principal subject of discussion in the next session of the Representative Assembly. It is of interest to note that a resolution recommending the grant of responsible government in Mysore was also brought up in the same session. But the discussion thereon bore no proportion, either in interest or volume, to that centring on the Government Order on the Miller Committee report. This gives an indication as to the relative emphasis of interest at the time. Even subsequently, the question of equitable communal representation in the public services and in educational and other institutions has been the main topic of interest, dominating resolutions and interpellations in the Assembly as well as in the Council.

The Visvesvaraya Committee's findings.

81. We get a glimpse of the political situation as it was a few years later, *i.e.*, in 1927-28, from the report

of the Visvesvaraya Committee appointed to enquire into the Bangalore disturbances. In their opinion the deeper causes behind the disturbances could be grouped under three heads: communal differences, unemployment and political discontent, practically in the order of their relative importance. With regard to the political discontent, they held that it was, in some sort, a reflex of events in British India, and that the remedy for it was the gradual introduction of some form of responsible government, subject to the possibility of bringing into existence a two-party system not based on communal divisions. They insisted, however, that there should be "no rash break with traditions."(1)

Later developments.

82. The course of subsequent events has not fulfilled the expectations of the Visvesvaraya Committee that two political parties, *e.g.*, Conservatives and Progressives, might come into being, "so formed as to represent between them as much of the property, experience and culture as is available in the State as a whole."(1) An association called the *Praja Mitra Mandali* came to be constituted about the year 1917; and a second party known as *Praja Paksha* (People's Party), aiming at the attainment of responsible government among other objectives, was formed about the year 1930. About the year 1935, both these parties were merged into the People's Federation. Side by side was functioning a small Mysore Congress group whose activities, however, were confined in the main to what is known as the "constructive programme" of the Indian National Congress. Some members of the People's Federation even opposed Congress candidates in the last elections to the Representative Assembly and the Legislative Council held in March, 1937, and defeated them at the polls. The coming into power of the Congress Ministries in many British Indian Provinces in July, 1937, however, seems to have changed the attitude of the leaders of the People's Federation towards the Congress party, and this resulted in the emergence of a new party under the name of the Mysore Congress, owing allegiance to, if not working as a branch of, the Indian National Congress. A considerable amount of agitation and organised propaganda was started and carried on in its

(1) Report of the Bangalore Disturbances Enquiry Committee (1928), Para 138.

name and with external aid. It was accompanied in some cases by defiance of constituted authority, and the Government took action against some persons whose speeches were deemed to be seditious. The very first act of the new party after its formation was to stage a walk-out in the Representative Assembly in October, 1937, as a protest against what they considered the repressive policy of the Government. In that session of the Assembly the Dewan, Sir Mirza Ismail, made a special appeal to the members for harmony and co-operation. Events, however, rapidly took a turn for the worse, and in the month of October, 1937, there were disturbances of the public peace in the city of Bangalore. In some other parts of the State also, the magistracy had to issue prohibitory orders as a precaution against apprehended breaches of the peace. In consequence of this, some Congress members of the Legislative Council resigned their seats in the Council just prior to the January session in 1938. This session was an important one. Three resolutions bearing on the Constitution were brought up and discussed at great length. Two related to the necessity for the appointment of a committee to consider the question of further reforms in the State. One of these was withdrawn by the mover after discussion and the other was accepted by the Government. Similarly, a resolution for the appointment of a committee to examine the implications of the proposed Federation was also accepted by the Government. The Dewan repeated these assurances in public in February, and action was taken by the Government early to implement these resolutions. The fact that these resolutions were pressed in the Legislative Council though most of Congress members were absent, and the Government's readiness in accepting them are worthy of note. Soon afterwards, the Government ordered the release of all political prisoners and directed the withdrawal of the prosecutions connected with the political disturbances.

Haripura resolution and after.

83. The Haripura resolution of the Indian National Congress in February, 1938, re-defining its policy towards the Indian States, as one of non-interference in the political field, led to a change in the constitution of the Mysore Congress party. It severed its direct connection with the Indian National Congress, and started functioning as an ostensibly independent organisation, although every member of the Mysore Congress has still to enroll himself in the

first instance as a member of the Indian National Congress. At the first Mysore Congress convention held at Sivapura, the agitation took the form of flag-satyagraha, and this led to the arrest and conviction of several persons. The agitation assumed an intensified form and culminated in April, 1938, in the disturbances at Viduraswatha, where the authorities had to order the opening of fire, as a result of which several lives were lost. A Committee was appointed by the Government with Sir Vepa Ramesam, retired Judge of the High Court of Madras, as Chairman, to enquire into the circumstances relating to the disturbances. Soon after the appointment of the Committee, on the assurance of co-operation from the Mysore Congress party, the Government passed their Order, dated 17th May, 1938, referred to already.

Ramesam Committee's report.

84. The report of the Ramesam Committee, coming as it does, exactly ten years after the Visvesvaraya Committee, is an authoritative document throwing much light on the current political situation. We have followed it, to some extent, in our account of recent politics given in the preceding two paragraphs. Referring to the policy of the Government, Dr. F. X. DeSouza, one of the members of that Committee and now one of our colleagues, has observed therein, in his separate note: "I am unable to say that the prohibitory orders complained of were in excess of the requirements of public safety. On the contrary, the policy of the Government of Mysore towards the Congress movement has been one of marked conciliation. At the height of the agitation, the Government on more than one occasion held out the olive branch of peace. They proclaimed an amnesty to convicted persons. They announced that they would appoint a Committee on Constitutional Reform empowered to consider a scheme of responsible government. The answer to these advances was intensified agitation, culminating in the Viduraswatha disturbances."(1) Regarding the disturbances themselves, the unanimous opinion of the Committee was that "the vicious propaganda of calumny and hatred carried on by the Congress speakers, inflamed the minds of the unsophisticated villagers and led to frequent clashes between the authorities and the Congress leaders, and

(1) Report of the Viduraswatha Disturbances Enquiry Committee, page 107.

that the cumulative effect of all this was to bring about a tense situation in the country, which ultimately burst forth in mob violence at Viduraswatha."(1)

Retrospect and prospect.

85. It is not an unfair inference from the unanimous opinion of the Viduraswatha Committee, quoted at the end of the last paragraph, that in the activities of the Congress party in this State in the past two years, considerations of "truth" in propaganda and "non-violence" in action have not always been honoured in their observance. The movement in Mysore, we are constrained to observe, has not belied the tendency of such movements "to attract within their orbit people of very varied aims and methods" as the Indian Statutory Commission have put it, and to make enthusiasts for various reforms to join hands "with every discontented element, and attribute all the evils which they attack to the absence of self-government." The development of the nationalist movement in British India was a sequel to its own past history. Whatever may have been the justification for the technique adopted by it, and directed against foreign domination, it is certainly out of place when copied in a State with the traditions of Mysore.

From the preceding paragraphs it will be seen that the pace of political progress in Mysore has been slow but steady. Political aspirations in the earlier stages related mainly to the demand that all communities should have adequate representation in the services of the State; and not unnaturally the communities that had till then been inadequately represented, supported the constituted authority. Following the Reforms of 1924, the political consciousness of the country expressed itself almost wholly in this way. Though the communal issue is now deprecated by the Congress party in its propaganda, we are far from being able to agree with the statement of one witness who appeared before this Committee, and said that communalism in the State is dead. Those who press for the grant of immediate and full responsible government believe that such a form of government, once established, would speedily solve the communal problem. In our opinion, it is at least equally possible that the form of full responsible government might be used as an

(1) *Ibid*, page 73.

instrument of unrelieved majority rule, which would differ little from the rule of the majority communities.

86. What we have observed so far, has relation mainly to the leaders of the people. We now come to the capacity of the people themselves and of the electorate. We believe that it is a generally accepted principle—even a platitude—that the degree of responsibility which could be entrusted to the people, ought to have some relation to their fitness and competence. We should therefore like to refer briefly to considerations of literacy and general education as affecting political advance. A few facts regarding the progress of education in Mysore may be of interest here.

Fitness of electorate : progress of education.

In 1881, the total number of schools in the State was only 866, and the expenditure thereon Rs. 3·15 lakhs. A forward educational policy was adopted at the very outset and rapid progress was made, special encouragement being given to the education of women. In 1902, the expenditure on education had risen to Rs. 11·4 lakhs.

Elementary education was made free in all Government schools in 1907, and all fees were abolished in Middle Schools in 1918-19. In 1913, an Act for introducing compulsory primary education was passed into law, and action was taken to give effect to it in 15 selected centres to start with. The Grant-in-aid Code was also revised, offering a Government contribution of half the cost of each school, so as to serve as an incentive to the opening of more elementary schools in villages. The scheme met with a good response. The scale of pay of all village school masters was also revised at a cost of nearly half a lakh of rupees annually. In 1921, the Government approved of an Educational Memorandum embodying a scheme for the rapid extension of primary education. Provision was also made for the levy of an education cess, under the Local Boards and Municipal Acts, so as to enable local bodies to contribute their quota towards the cost of primary education. The Elementary Education Act was passed in 1930 repealing the Act of 1913 referred to above and transferring the control of primary education to the local bodies styled "Local Education Authorities" in July, 1931. The problem of elementary education is

now being gone into by a special committee appointed for the purpose.

Secondary education has also advanced side by side. The number of High Schools which was only 3 in 1881 rose to 25 in 1923-24, and has risen to 42 in 1937-38. A large percentage of students belonging to the backward communities are receiving scholarships. Muslim students are charged half fees; and the students of the Depressed Classes, besides getting scholarships, receive free secondary education and other concessions.

The Mysore University was inaugurated in 1916. Starting with only two constituent Colleges, the University has now under its control five first-grade Colleges (including the professional Colleges), four Intermediate Colleges, a Medical School, and a School of Engineering. The expenditure on University education which was Rs. 6·84 lakhs in 1922-23 rose to over Rs. 14 lakhs in 1937-38.

The total number of students of all grades which was about 42,000 in 1881 has risen to 3,40,000 in 1937-38. The total expenditure on education, including the University, has increased from Rs. 51·31 lakhs in 1923-24 to Rs. 67·53 lakhs in 1937-38, out of which Rs. 23 lakhs was spent on primary schools, Rs. 15 lakhs on secondary schools, Rs. 9 lakhs on colleges and Rs. 4 lakhs on special schools, and the balance on other connected expenditure. About 80 per cent of the total expenditure on education in the State is being borne by the Government, and proportionately to the revenues, this is very much more than what is being spent for the same purpose in the neighbouring British Provinces. These figures speak for themselves and bear eloquent testimony to the incessant efforts put forth by the Government for the spread of education in the State.

In dealing with the question of the present standard of literacy among the people of the State, we are considerably handicapped owing to the absence of up-to-date and reliable statistics, as the figures of the last Census are eight years old. It may however be stated that the present percentage of literacy in Mysore according to the available data is comparatively small, being only about 10 per cent of the population above five years of age.

87. To what extent education and literacy serve as a test of a people's fitness for political advance is a question on which we cannot do better than quote the opinion of the Indian Statutory Commission:— "Education is not an indispensable requisite for an intelligent exercise of the vote. We have evidence, which we see no reason to doubt, of the shrewdness which so often resides in the illiterate peasantry of the rural areas. Many a raiyat, unable to read or write, is capable of knowing clearly, within the narrow range of his experience, what he wants and of making as intelligent a selection of a representative as some of his literate fellow-villagers. But we need hardly labour to establish the proposition that education does help in the formation of an electorate which will be potentially more capable of understanding issues submitted to its judgment and hence *prima facie* better equipped to exercise political power. We are justified, therefore, in regarding the extent of popular education as a not untrustworthy general guide to a people's fitness for the exercise of political privileges, and the prevalence of literacy is the commonest and the most easily ascertainable index to the stage reached in mass education. True, literacy alone affords no guarantee of the attainment of real political capacity, but the ability to read at least increases the probability that statements and discussions of political issues and political programme will reach the elector. It simplifies also the essential mechanics of the polling booth, for it means, or ought to mean, that the voter will be able to cast his vote in the proper ballot box without the aid of colour, or symbol, or of some more questionable guidance." (1)

Opinion of Indian Statutory Commission *re*: literacy.

88. Literacy is thus an aid whereby if a person is so inclined, he may increase his information on matters political. It cannot, however, supply the judgment requiredto arrive at a correct opinion. For this, he would be dependent wholly on the newspapers and propagandists, and if the information and views purveyed by these should be questionable, then the benefit derived from literacy would be of a doubtful nature. Neither would illiteracy have the stabilising value which it had in the olden days. Where the literacy of a few is combined with illiteracy among the masses in the body politic, as in Mysore, public opinion is being formed more on the spoken word than on verified

Level of political consciousness.

(1) Report of the Indian Statutory Commission, Vol. I, para 438.

fact. Rumour and hearsay, however improbable, gain rapid and wide-spread credence and have proved capable of rousing fierce passion and of undermining the general respect in which organised authority ought to be held. Considerable harm has already been done in this respect during the past year or so, and Viduraswatha will stand as a beacon of warning for a long time to come. It has no doubt, been urged that "History has repeatedly shown the unwisdom of judging the political consciousness of a people by the standard of its least instructed class." But we are emphatically of opinion that it would be no part of wisdom to ignore the fact that the present level of the political consciousness of the people at large would not justify the placing on them, all at once, of the burden of what is called full responsible government, the implications of which we shall examine in a later section.

## SECTION II.—Alternative Schemes for Reform.

Alternative schemes for reform.

89. We are now in a position to examine the principal alternative schemes for reform, placed before us in the memoranda which we have received and in which all shades of opinion are represented. At one end, we have advanced or extreme opinions advocating the immediate establishment of full responsible government, and at the other, conservative opinions which do not favour any change at all or stand for the irreducible minimum of change. In between lies a large body of moderate opinion favouring a cautious and gradual advance in the direction of responsible government. The first scheme to demand our scrutiny is that prepared by the Mysore Congress. (*Vide* Appendix VII).

The Congress scheme.

90. The Congress scheme is presented in the form of a bill consisting of separate clauses, and does not contain any reasons or explanations. In the preface, it is stated that the scheme "aims at the establishment of a system of constitutional, parliamentary and hereditary monarchy in Mysore or in other words, the establishment of responsible government under the ægis of His Highness the Maharaja." The scheme itself commences with the statement that "it is desirable that the people of Mysore should exercise the right of self-government under His Highness the Maharaja. The constitution for the exercise of such a

right shall be immediately established." It goes on to declare that "the people of Mysore have the right of governing themselves as a free, sovereign and independent State and do, and for ever hereafter shall, exercise and enjoy every power, jurisdiction and right which is not, or may not hereafter, be by them in legislature assembled expressly delegated to the sovereign authority in India." It then proceeds to enumerate the fundamental rights of citizenship.

The next part, in a series of 15 clauses, most of which commence with the words, "The Maharaja shall . . ." elaborately seeks to define the powers and privileges of the Maharaja and to regulate the succession to the throne, the institution of a regency in case of necessity, the religious faith of the Maharaja, his Civil List and even his residence.

The part dealing with the executive provides for a council of ministers collectively responsible to the legislature and responsible for all acts of the Government. It is stipulated that no exercise of the Royal power shall be valid, or capable of enforcement, unless countersigned by the competent minister.

The legislature is to consist of a single omnicompetent house consisting of 250 members. In respect of bills passed by the house and submitted to the Maharaja for assent, it is provided that if the Maharaja does not approve of a bill, he should return it for reconsideration with his objections, and if, after such reconsideration, two-thirds of the total members of the Assembly agree to pass the bill, it shall become law, and that if any bill is not returned by the Maharaja within 30 days after it has been presented to him, "it shall become law in like manner as if he had signed it in token of his assent." The remaining parts deal with the judiciary, the finances of the State, amendment of the constitution and federation.

Criticism of the Congress scheme.

91. It appears to us that the Congress scheme, in its entirety, is vitiated primarily by its failure to recognise the actual political status of Mysore and its Ruler, which ought to be one of the principal factors to be reckoned with in framing any scheme of reform. We would repeat here that the source of all power, jurisdiction and

authority in Mysore is the Ruler, and the sovereignty of the Ruler is itself strictly circumscribed by his responsibility to the Paramount Power. We shall have occasion to deal with this more fully at a later stage. As things stand, it is nothing short of a travesty of the facts and a strange reversal of the actual position, to declare that the people of Mysore have the right of governing themselves as a free, independent and sovereign State, or to say that the limitations imposed by the Paramount Power should be nothing but jurisdiction delegated by the Mysore Legislature to the sovereign authority in India!

The other objections to the scheme may be summed up as follows:—There would be too sudden a break with the past and the inevitableness of a stage of transition is not realised. The task of legislation, we are afraid, will be well-nigh impossible in a single house of legislature with as many as 250 members chosen by adult franchise. It has to be recognised that the existing two Houses have been performing highly useful functions and are bound up with the political life of the State, and the sudden dispensing with either of them would be a step fraught with serious consequences. So also would be the change at one bound from the present Executive Council to a fully responsible ministry to be formed by the leader of the majority party in the House, under a state of things where well recognised parties have not yet come into existence, and constitutional organisation on party lines is unknown, in short, where the country as a whole is not yet ripe for full responsible government. Finally, there would be no effective reserve of powers left with the Ruler, either to satisfy the Treaty obligations, to ensure safety and good government in the event of a breakdown of the constitution, or to safeguard the interests of the minorities against the possible excesses of majority rule. In the course of the general discussions in the Committee, some of the Congress members were at some pains to explain that under their scheme there would be no whittling away of the effective powers of the Sovereign. The fact, however, remains unanswerable that all these powers would be illusory. The Ruler's freedom of action in the choice of his ministry would be completely fettered. The so-called Royal prerogatives would be exercisable only at the bidding of the ministry, and the power of veto over legislation would not be exercisable at all. Constitutional reform in Mysore,

we hold, can proceed only by a devolution from the Ruler, and we are unable to contemplate any system under which the Ruler is to exercise only such functions as may be delegated to him by the legislature. To our mind, the Congress scheme instead of being a system of responsible government under the ægis of the Ruler, would on the other hand, be one under whose *ægis* the Ruler will be allowed a nominal and precarious existence.

The Conservative viewpoint.

92. Against such radical proposals, we may set the predominantly conservative viewpoint that responsible government is not only not suited to the present conditions in Mysore, but is even incompatible with the type of sovereignty in an Indian State. This view appears to represent the attitude of an influential section of the public, which can by no means be ignored. We have before us a brief and cogent memorandum purporting to be signed by a municipal councillor of Madhugiri and 1,035 other residents of Madhugiri town and the surrounding villages, which states:—"The present system of Government is quite satisfactory and best suited to the conditions of Mysore. We are happy under the benign rule of His Highness the Maharaja, and no material reforms are necessary. We do not need any drastic changes, such as responsible government, as we fear that they are likely to lead to disastrous consequences in the circumstances obtaining in Mysore."

The Central Mohammedan Association and the Muslim League.

93. A similar attitude has been taken up by a number of individuals, as also many of the associations representing the minority communities and the special interests. As examples we may mention the Central Mohammedan Association and the Mysore State Muslim League. The following brief extracts from their memoranda will give an idea as to their standpoint. The former states:—"Musalmans of Mysore have reasons to believe, nay, they are convinced beyond the shadow of doubt, that those who are agitating for responsible government are anything but nationalists. . . . . Unless those who are now administering local bodies, such as Panchayets, Municipalities, District Boards, etc., give proof of their capacity for self-government and shed their communalism, there should be no further advance in the system of government and no new powers should be conferred on them. It is the unalterable conviction of the Association that

there is ample scope, under the existing constitution, based as it is on the triple principle of consultation, representation and responsivity, to work for the well-being and happiness of the people at large." The latter Association, *viz.*, the Mysore State Muslim League, is emphatically of opinion that "the grant of responsible government in the Mysore State by the tranference of sovereign power in favour of the people of Mysore, even to any small extent and in any respect whatsoever, would be disastrous to the interests of the country which has progressed in all directions remarkably well under the present Constitution and earned a high reputation all over the world for its efficient administration."

The Catholic and European Associations.

94. The Catholic Association of Mysore have stated that the existing Constitution as a whole offers all reasonable scope for the people of the State to take part in its administration and to promote its development, and that they do not consider therefore that it would serve any useful purpose to enter into any purely theoretical discussions or to make any specific demands on merely hypothetical considerations. The European Association of Mysore too are not in favour of any changes being made in the Constitution.

Mysore Planters' Association.

95. An association representing an important interest, *viz.*, the Mysore Planters' Association, membership of which is open to Indians as well as Europeans, have stated:—"We look upon the present Constitution in Mysore as entirely satisfactory and needing no alteration. It is a happy blend of autocracy and democracy which it is hard to see can be improved. It is more efficient and effective than any complete democracy can hope to be; yet it is not tyrannous nor restrictive of personal liberty. In practice, which is actually all that matters, it works as a particularly good form of government. There is no reason why the example of other countries or parts of India should be followed, simply for the sake of following them, if Mysore has something better, as in our opinion it has . . . . You will have seen that we are not in favour of changes. It may perhaps be as well to give some indication of why the demand for responsible government does not appeal to us. The government of the State is far too serious and vital a matter to the lives and happiness of the people of the State, to be a subject of

experiment or drastic change. The present form of government works, and works well."

96. But we have to point out that however good and efficient the present constitution may be, it is obvious that we cannot stand still. One of the memoranda received by us, which may be taken as representative of the moderate school of thought, states. "Considering the political history of nations all over the world, the increase of knowledge, the quick spreading of thoughts, ideas and learning of one nation over the rest of the world owing to easy, cheap and fast communication and transport, the political advancement in our neighbouring British Indian Provinces, the constant and silent permeation of ideas of our neighbouring British Indians into ours and the political awakening of the masses in recent years, it is no longer possible or right to resist the aspirations of the people of Mysore for responsible government. Hence the constitutional advancement of Mysore must result in responsible government under the ægis of His Highness the Maharaja. But it is not possible to reach this goal of full responsible government immediately. Though the political consciousness of the people is roused, there is yet lack of general education and much less of political education among the masses. Nebulous and hazy notions and ideas require clarification and crystallisation. The ground for granting full responsible government must be prepared. Association of the people and their representatives in the government of the State is a necessary first step by which the people can gain experience and knowledge. It is, therefore, desirable that as a step towards the realisation of full responsible government some reforms be first introduced, and after studying the working of such reforms for a period of about five years, the advisability of introducing full responsible government may be considered." The necessity for advance.

It cannot be denied that the political aspirations of the people have outgrown the existing constitution, and demand reasonable satisfaction. The constitution which was inaugurated in 1924 was not envisaged as a stationary system to last for all time, but was considered—in the gracious words of His Highness the Maharaja—as one "sufficiently flexible to expand with the expanding political consciousness of the people."

In 1924, His Highness was pleased to declare that "in making our plans for the future, we have got to take note of the tremendous changes inside and outside the State in the recent past." If that was so in 1924, the need for it is all the stronger to-day, after the lapse of fifteen years. The changes which have been effected in British India, the growing political consciousness of the people of Mysore and the experience gained in the working of the existing institutions justify a substantial measure of further advance, as the appointment of this Committee itself indicates.

In making the advance, however, we have to give due consideration to the political status of Mysore and the need for stability and good government. As pointed out by the Mysore Chamber of Commerce, we have to recognise "that the integrity and time-honoured position of the Ruling Sovereign shall be fully recognised in any scheme of reforms that might be proposed for eventual adoption," and "that there is need for distinguishing Mysore as an Indian State from other Indian States, for Mysore stands in a category by itself, both by reason of its ancient and recent history, its constitutional progress within the past half a century being admittedly commensurate with the educational and cultural progress of the people. Mysore has evolved a constitution in which the influence of public opinion, both on executive measures and on proposed legislation, has always been increasingly exercised, through well-recognised bodies chosen in well-recognised ways. It is needless to pursue this suggestion further here, except to remark that any proposed line of future development should have reference to this background and help to advance popular rights on a thoroughly realistic basis." Finally, we have also to see that the measure of advance is such as will enlist the largest volume of support of reasonable and enlightened public opinion in the country.

## SECTION III—Certain Basic Factors.

Sir Mirza Ismail's observations.

97. The general considerations which have to be kept in view in formulating a suitable scheme of reform cannot be expressed better than in the words of Sir Mirza Ismail's Address to the Representative Assembly in

October, 1937, six months prior to the appointment of this Committee. In the course of an earnest and impassioned appeal for harmony and co-operation, he reminded his hearers: "It is practical experience coupled with a recognition of the factors peculiar to our State, and not theoretical abstractions, that should be our guide. Nothing is so difficult as the assessing of the values of political and social innovations, particularly in a country where the traditional organisation of life resembles a thousand year old structure, with foundations deep beyond fathoming and with walls and ceilings full of hallowed paintings and friezes, and the whole held together by the interplay of forces which it is impossible to estimate. In attempting to adapt such a structure to modern requirements, we cannot afford to forget that the disturbing of a single worn-out brick or a single sagging beam may perchance bring down the whole venerable edifice in a mass of debris. We have to proceed with caution if we wish to minimise social disturbance, and avoid its bitter aftermath of class feud and blind partisanship. The best way of proceeding is the way of mutual persuasion and friendly understanding, not the way of minatory challenges and precipitated conflicts. Our time has established its right to the title 'the epoch of unrest,'—not simply in this sphere of life or in that, not in this country or in that, but in every sphere and in every country under the sun. And the changes of our time tend to be sudden, radical and dangerous. It is natural that ardent spirits among us should be impatient to introduce into our body politic conditions and features devised by those seeking social improvement in other lands. But such well-meaning enthusiasm cannot by itself achieve progress with security. It must be accompanied by reasoned scrutiny. I am recalling these truisms not to suggest that we should keep our eyes closed to what is happening around us, or that there is nothing for us to learn from reforms adopted elsewhere, but simply to point out the supreme need of an independent and dispassionate examination of their working. Nor should I be understood to be pleading for a policy of indecision and procrastination under the guise of study and deliberation. The history of Mysore's development furnishes no ground for a charge of that kind. From 1881 down to our own day, the enlargement of our Constitution has never been a matter either of uncritical imitation or of wrested concession. It was neither sluggishly delayed nor impatiently hustled at

any stage. And so let us allow it to continue to evolve by its own vitality and in forms appropriate to its own character and environment."

Two dominant factors.

98. In addition to these important general considerations and those relating to the level of the political education and fitness of the people, which we have already dealt with at some length, we have to take into account two dominant factors: one external and the other internal. The former demands imperative recognition of the limitations imposed by the actual political status of Mysore in relation to the Paramount Power, the transgressing of which would lead to grave complications. The latter necessitates a careful examination of the constitutional position of the Sovereign in Mysore. We shall proceed to to deal with these factors in order.

The Mysore Treaty.

99. We have first to consider in what way constitutional reform in Mysore will be affected by the relations of the Ruler with the Paramount Power, a matter of the utmost importance. In the Government of India Despatch, dated the 3rd March, 1880, to the Secretary of State for India, explaining the provisions of the Instrument of Transfer of 1881, it is stated: "The chief authority and the ultimate governmental responsibility in all cases rests actually as well as nominally with the Ruler." The responsibility for discharging the Treaty obligations is thus laid exclusively on the Ruler. Article 19 of the Treaty stipulates that "no material change in the system of administration now in force shall be made without the consent of the Governor-General in Council." It is well-known that the Reforms of 1923 were inaugurated only after the approval of the Paramount Power had been obtained. Again, under Article 21, wide powers of intervention are reserved to the Governor-General, not over any particular department or branch of the administration, but over the entire range of internal administration. He is empowered, even in matters not expressly provided for by the Treaty, to intervene in "cases of necessity" or "to take precautionary or remedial action as circumstances may, at any time, appear to render necessary, to provide adequately for the good government of the people of Mysore or for the security of British rights and interests within the State." It is further provided that if any question arises as to whether any of the conditions specified in the Treaty

has been satisfied or not, the decision of the Governor-General shall be final. The Governor-General himself is thus the judge of the occasions which call for the exercise of his powers of intervention, as well as of the form which such intervention should take. It is no doubt true that the Governor-General does not intervene in the ordinary day to day administration in a progressive State like Mysore. But such intervention has in the past been exercised on occasions, and it cannot be left out of account in dealing with the future.

Attitude of the Paramount Power.

100. The present day attitude of the Paramount Power towards the Indian States has been the subject of widespread interest and speculation recently, owing to pronouncements in Parliament and elsewhere, made from time to time by the authorities in England. In February 1938, Earl Winterton stated in Parliament that it was not the policy of the Paramount Power in ordinary circumstances to intervene in the internal administration of full-powered States. In particular, the Paramount Power would certainly not obstruct proposals for constitutional advance initiated by the Ruler. The consent of the Paramount Power had not been required before approval of such advance by the various Princes, nor had it been sought in such matters. The Paramount Power would in ordinary circumstances confine itself to tendering advice when consulted.

1. Earl Winterton's statement.

2. Col. Muirhead's first statement.

101. The next pronouncement was that made by Colonel Muirhead in Parliament on 16th December, 1938. It was to the following effect:—"The Paramount Power will not obstruct proposals for constitutional advance initiated by Rulers, but His Majesty's Government have no intention of bringing any form of pressure to bear upon them to initiate constitutional changes. It rests with the Rulers themselves to decide what form of government they should adopt in the diverse conditions of Indian States. With regard to the second part of the question, the obligations of the Paramount Power to the States extend to protecting Rulers against violence and disorder, and to advising and assisting Rulers in remedying such legitimate grievances of their subjects as may be found to exist."

3. Lord Zetland's speech.

102. In a speech at Liverpool in March, 1939, Lord Zetland, Secretary of State for India, further amplified

the view expressed in Earl Winterton's first statement and held that the time had come when the Paramount Power should intervene a little more effectively than it had in the past, not with a view to derogating from the sovereignty of the Princes, but for giving them advice with the object of raising the standard of their administration. He is reported to have said:—"Though we are under a promise to protect the Princes against aggression from without, it is only reasonable that we should see that the legitimate grievances of Their Highnesses' subjects should be carefully considered by them and where possible a remedy should be applied. That does not mean that we are justified in bringing pressure to bear on the Princes to bring about a radical change in the form of their government. I have always said that that is a matter for the Princes themselves. We should do what we can to raise the standard of administration and see that the subjects of Their Highnesses get a fair deal, but let us not forget to consider the views of the Princes or endeavour to impose a form of government which in many cases will be quite unsuited to the conditions that exist."

4. Col. Muirhead's second statement.

103. The latest pronouncement was made by Colonel Muirhead in Parliament in April, 1939, in reply to a question as to whether His Majesty's Government were satisfied that their policy in regard to constitutional changes initiated by the Rulers in Indian States adequately safeguarded the continued fulfilment by the Rulers of their obligations to the Paramount Power. Colonel Muirhead said:—"The policy indicated in my reply of December 16, is not to be taken as implying that the Paramount Power would recognise a Ruler as having endowed any constitutional body, which he may create, with a greater degree of authority than that which he himself is recognised as possessing. No State would be regarded as relieved of its obligations to the Paramount Power by the fact that the Ruler has divested himself of the control necessary to discharge them, and the Paramount Power would remain free to take such steps as might be required to ensure their fulfilment."

Interpretations of the statements.

104. Although Earl Winterton's statement was hailed in some quarters as constituting a radical change in the policy of the Paramount Power, it was observed by many critics that it did not represent the existing position

correctly. Sir Albion Banerji, a former Dewan of Mysore, pointed out in an article in the press that when the reforms introduced in Mysore in 1923 were under contemplation, the approval of the Government of India had to be obtained in conformity with the provisions of the Mysore Treaty. He was of opinion that a revision of the treaties would be involved if what had been said by Earl Winterton in Parliament was to be considered as tantamount to introducing in practice a new and important chapter in the history of the mutual relations between the Paramount Power and the Indian States.

The advocates for the immediate establishment of full responsible government deny that the responsibilities of the Ruler to the Paramount Power will at all be affected by the grant of responsible grovernment. They say that responsible government must necessarily be good government, that peace and order will always be maintained in a State where the government has the backing of the people, and that responsible ministers will take due care to see that the Treaty obligations are satisfied. On the other hand, they urge that if a demand for responsible government with the backing of the people is not satisfied, the Ruler may be placed in the awkward position of having to seek the support of the Paramount Power as against his own subjects.

Another view, which, we understand, has the support of Dr. A. B. Keith, is that after all the issue reduces itself to the fact that the British Crown exercises certain rights over Mysore and that, if it decides to enforce them, the State must give effect to its instructions. But it is not necessary that the Ruler of the State should retain autocratic power for this purpose. All that is requisite is to declare as part of the constitutional law of the State the duty of obedience to instructions of the Paramount Power and to require the ministers and courts to give effect thereto. If they fail, then the Paramount Power may intervene and compel obedience. But it is probable that if the action impugned were that of a responsible ministry, the Crown would be much less inclined to intervene than if the Ruler alone were concerned.

Finally, there are those who maintain that the satisfactory discharge of the obligations to the Paramount

Power will be impossible under any system of popular government.

Our own view.

105. Our own view is that the difficulties in the way of full responsible government presented by the existence of Paramountcy cannot be ignored although there is no need to exaggerate them. Colonel Muirhead's latest statement leaves no room for any ambiguity. It is now obvious that no Ruler could divest himself of his Treaty obligations and ask the Paramount Power to deal with a popular government of his own creation, but not responsible to him in the first instance. If then the Ruler himself is to be responsible to the Paramount Power to any extent, he must necessarily retain effective powers for the purpose, and he must also have the means of enforcing them. A mere declaration in the constitution of the nature mentioned in the preceding paragraph will not serve any purpose, if the only thing left to the Ruler in the event of a break-down of the constitutional machinery, is to appeal to the Paramount Power to intervene and set things right. He would be clearly failing in his duty if he created a situation which he would be unable to deal with effectively himself. Such contingencies have to be normally provided for without invoking the aid of the *deus ex machina*. Neither would it do for the Ruler to repose in the hope that the inclination of the Paramount Power to interfere in the affairs of an Indian State would be less, if the actions impugned were those of a responsible ministry.

The other argument equating responsible government necessarily with good government begs the question and takes too much for granted. We have already envisaged the possibility that in a country not fully ripe for the grant of complete responsibility, the form of responsible government may create complications which could be obviated by a more cautious advance. Besides, the question as to the degree of support which the demand for responsible government has from an understanding public, is always one of fact. We have already given our opinion on this point. Finally, it may be added that the existence of political aspirations is not always a sufficient guide to the solution of the constitutional problem.

Sovereignty in Mysore: the Seal theory.

106. We have now to consider the status of the Sovereign in Mysore. His unique position as the symbol

of the basic unity of the Ruler and ruled in Mysore has been elaborated in the Seal report. We read there: (1) "The Head of the State in Mysore is the supreme Executive Head as well as the source and sanction of law. In other words, Mysore is a unitary State.... This is the basic fact of the constitution in its internal aspect." This position is then contrasted with that obtaining in countries where the dualistic conception of a limited monarchy prevails, or in other words, where "the sovereignty is divided between the Head of the State and the people, regarded as two originally separate elements." The report goes on to say that "In Mysore the problem is the opposite. We are to preserve the original unity intact—that sovereignty which is the symbol of *Dharma* or Law."

Its validity.

107. We hold that the stand taken by the Seal Committee is fundamentally sound and requires reiteration at the present moment. That theory was not, as objected by some critics, an obsolete doctrine resuscitated, so much as the description of a political actuality. In our opinion, the theory lends support neither to mediaeval ideas of the divine right of personal autocracy nor to recent notions of dictatorship. On the other hand, it is merely a restatement in modern language of the traditions of *Dharma* which have appealed to the best minds in this country from time immemorial, and which have in fact a timeless appeal. We should like to observe in this connection that, although the term *Dharma* is of Hindu origin, the concept itself is of universal validity, transcending the bounds of nationality as well as of religion. It is not only not opposed to democratic ideals in any way, but is thoroughly consistent with them. But whatever may be the theory of sovereignty and the result of its application to the Indian States, the one broad fact which cannot be ignored, as we have already stated, is that all power, jurisdiction and authority in Mysore, are as a matter of fact derived from the Maharaja and are exercised in his name; and a scheme of constitutional reform could, therefore, only be introduced by means of a devolution of powers from the Maharaja.

Majority rule.

108. In practice, democracy is indistinguishable from majority rule, the implications of which demand a little

(1) Report of the Seal Committee, Paras 5 to 7.

urther scrutiny. In paragraph 126 of the Seal report bearing the title "Majority Rule—an abiding fact" it is stated: "The rule of the majority has come to stay. Whether an oligarchy, an aristocracy, or any other form of minority rule might not be better, is no longer the question." To this list, we ourselves would add autocracy and bureaucracy. The passage continues: "Legislation (and administration) must be governed by the collective will, which, if ascertained on the democratic principle, will be the will of the majority." That is the position, in a nut-shell, which has got to be recognised and we have no hesitation in accepting it. But at the same time, we are fully conscious that "there is nothing especially sacrosanct about majority rule," and that "like all political institutions it is founded on average human nature," as a modern constitutional authority (1) has put it. In the long run, the majority will rule because it possesses power—mainly the power of numbers—and has on its side the inclination of the average person to follow the line of least resistance and accept the dictates of the majority on the assumption that wisdom lies in numbers. The obvious danger also lies in the tendency of the majority and its constituents to assume that its judgments are not merely expedient, but also right. When such a view gains ground, Might becomes equated with Right. Not much imagination is required to picture the consequences of such a situation. We will not dilate on it, but will content ourselves with quoting the opinion of another recent writer on politics:—"Without a majority, democratic government cannot function, and without a stable majority it cannot function well. At the same time, mere 'majority rule' would not satisfy the demand for political freedom. There is no more hopeless and crushing form of tyranny than the tyranny of a majority."(2)

The problem of minorities.

109. The one sure protection against the possible tyranny of numbers is, in our opinion, the tradition of the hereditary monarch ruling according to *Dharma*. In ancient times, the very *raison d' être* for the existence of the king was declared to be the protection of the weak

(1) Herman Finer: *Theory and Practice of Modern Government*, p. 142.

(2) R. Bassett: *The Essentials of Parliamentary Democracy*, p. 115.

against the strong. At the present day, such protection is required not so much as between man and man, but as between organised groups, one trying to dominate the other. The fact that in India groups are mainly ranged on communal lines makes the protection of minorities the one problem that democratically minded constitution-builders have to grapple with. Where groups are based on political opinion there is perhaps a chance of the balance of numbers being shifted, but as between communities there is no such hope. Even where political minorities are concerned, the safeguarding of their interests has been the question of questions. Thus it has been observed: "Government without safeguards for minorities has seemed to the Fathers of the American Constitution and to men like Mill, the negation of liberty; indeed, to all who have some spiritual or material good which they would zealously retain, pure majority rule has seemed a peril." In our Committee the memoranda received and the witnesses who have dealt with this topic, especially the representatives of the Muslim, Christian and other organisations, including the Depressed Classes (although by numbers they are not a minority), are unanimous that the safeguarding of their interests could only be done by the Sovereign, and that he must therefore retain real and effective powers in this behalf.

Correctives necessary.

110. In particularly emphasising the importance of the status and powers of the Ruler, we have not been swayed by considerations relating to his personal rights and prerogatives, but we have tried to give expression to our deep-seated conviction that there is no better corrective for the fissiparous and disintegrating tendencies which are released in working democracies, than the stabilising influence of a wise Ruler, above all party differences, to whom all classes, communities and religions will look up with affection and confidence. The need for such correctives was pointed out by the Seal Committee sixteen years ago in the following words:—"The nineteenth century emphasis on democracy, rationalism, individual liberty, party government, and the infallible rule of the majority, has shifted, though they have not lost and can never lose their legitimate force, and constitutional checks and correctives to these have been applied, and are being applied to-day in most progressive countries, to preserve the balance and equipoise of the State.... It is not

necessary that we should pass through the whole gamut of trial and error in our own political experiments." (1) There is ample testimony in this behalf from distinguished statesmen who have had personal knowledge of the working of democracy in British India, as well as of administration in progressive Indian States. We earnestly hope and believe that it may be the privilege of the Indian States to give practical demonstration of the proposition that the tradition of a Ruler ruling according to *Dharma*, will supply the much-needed corrective required for keeping the balance in democracies in India.

## SECTION IV—Responsible Government.

Responsible Government.

111. We shall now examine the implications of "Responsible Government." No term has of late been repeated in public so incessantly, or with such varied import, as this one. The first objection taken by the Mysore Congress party to the wording of the terms of reference in the Government Order appointing the Committee, was that this phrase was not mentioned therein. It was of no avail pointing out that the terms of reference were wide enough to cover discussion of the topic of responsible government. In order to avoid needless misunderstanding, the Government finally agreed to state specifically that the terms of reference would cover this issue also. There is, however, a certain looseness about the use of this term in the press and on the platform, as well as in conversation. We have seen it applied indiscriminately to the form of government in vogue in Great Britain, to the restricted form of it introduced into the British Indian Provinces under the caption "Provincial Autonomy," and again to the measure of reforms recently introduced in Cochin and some other States. In the press, any liberalisation of the administration in an Indian State, even such as the provision of a larger elected element in a municipal council or other local body, has often appeared under bold headlines as "Responsible Government" in such and such a State. In the oral evidence given before us, some witnesses have told us that not many years ago, *e.g.*, about the time of the Seal Committee, the words "Responsible Government" were being frequently used in talk, but what they really meant at the time was that they

(1) Report of the Seal Committee, para 4.

hoped to get a non-official into the Executive Council of the State. In view, therefore, of all this laxity in use, as well as of the indubitable fact that modern political aspiration is related mostly to this phrase, we shall try to clarify its significance in its application to Mysore.

Executive responsibility.

112. The "reign of law" which is being ushered in just now in some States, and which Gandhiji himself in his recent statement (June, 1939) deems the first and foremost objective of constitutional advance in the Indian States, had its commencement in Mysore over a century ago. We are proud that ever since the Rendition in 1881 we have had the blessing of a constitutional Monarchy, *i.e.*, the rule of a Monarch whose personal demands on the State's exchequer are strictly limited, whose administration of justice is on Modern lines and in the hands of men trained in law and jurisprudence, a Ruler whose one object has been the welfare of his subjects, and who never acts except through a well-recognised constitutional organisation. We have also seen from the review of the working of the existing representative institutions in Mysore for half a century and more that if responsible government meant only that the policy of the Government and the spending of public monies should be influenced to a large extent by the elected representatives of the people in the Assembly and the Council, then it could be claimed that Mysore has indeed got responsible government already. Thirty-four years ago, in a message to Mr. Gokhale at the Benares Session of the Congress, the Grand Old Man of India, Dadabhai Naoroji, held up Mysore as an example of self-government, which meant to him, as to Gokhale also, the government of the country in the interests of the people by Indian agency. What is wanting then, if we are to copy the British model, is an executive which will remain in office only so long as it has the support of the representatives of the electors in the legislature. Where such a system prevails, the elector is said to control the government because if his representatives in the legislature support ministers of whom he disapproves, he can at the next election change his representatives. The fundamental pre-requisites of such a system have been summarised in the Montagu-Chelmsford report as follows :—"The system presupposes in those who work it such a perception of, and loyalty to, the common interests, as enables the decision of the

majority to be peaceably accepted. This means that majorities must practise toleration and minorities patience. There must in fact be not merely a certain capacity for business, but, what is much more important, a real perception of the public welfare as something apart from, and with superior claims to, the individual good. The basis of the whole system is a lively and effective sense of the sanctity of other people's rights.... These qualities are only developed by exercise, and they are greatly affected by education, occupation, and social organization; but ultimately they rest on the traditions and habits of thought of the people." (1)

The British model.

113. The form of responsible government towards which political aspirations in Mysore are directed to-day, is, in the words of the last Joint Parliamentary Committee's report (Para 13), "not an automatic device which can be manufactured to specification. It is not even a machine which will run on a motive power of its own. The student of Government who assumes that British constitutional theory can be applied at will in any country misses the fact that it could not be successfully applied even in Great Britain if it were not modified in a hundred ways by unwritten laws and tacit conventions. It is not unnatural that, in the words of the Statutory Commission, most of the constitutional schemes propounded by Indians should closely follow the British model, but the successful working of that model postulates the existence of certain conditions, which are as essential as they are difficult to define. As Lord Bryce has remarked, 'The English Constitution, which we admire as a masterpiece of delicate equipoises and complicated mechanism, would anywhere but in England be full of difficulties and dangers.... It works by a body of understanding which no writer can formulate and of habits which centuries have been needed to instil.'" The essential factors by the interaction of which Parliamentary Government as it is understood in Great Britain works, have been well analysed by the Joint Parliamentary Committee. They say:—"The principle of majority rule; the willingness of the minority for the time being to accept the decisions of the majority; the existence of great political parties divided by broad issues of policy, rather than by sectional interests; and finally, the

(1) Montagu-Chelmsford Report, Para 131.

existence of a mobile body of political opinion, owing no permanent allegiance to any party and therefore able, by its instinctive reaction against extravagant movements on one side or the other, to keep the vessel on an even keel."(1)

British Indian model.

114. Of the four principal factors enumerated above, in the opinion of the Joint Parliamentary Committee, none could be deemed to exist in India. As they put it:—"There are no parties as we understand them, and there is no considerable body of opinion which can be described as mobile. In their place we are confronted with the age-old antagonism of Hindu and Muhammedan, representative not only of two religions but of two civilisations; with numerous self-contained and exclusive minorities, all a prey to anxiety for their future and profoundly suspicious of the majority and of one another; and with rigid divisions of caste, itself inconsistent with the democratic principle."(2) The Government of India Act was therefore so framed as to take account of these limitations, as also to embody those conventions and safeguards implicit in the British model, but in abeyance in actual practice. The framers of the Act went even further and copied to some extent the principles underlying the American model. In the words of the Joint Parliamentary Committee, the safeguards were not intended to be mere paper declarations but represented "on the contrary (to quote a very imperfect but significant analogy) a retention of power as substantial, and as fully endorsed by the law, as that vested by the Constitution of the United States in the President as Commander-in-Chief of the Army—but more extensive both in respect of their scope and in respect of the circumstances in which they can be brought into play. On the other hand, they are not only not inconsistent with some form of responsible government, but in the present circumstances of India it is no paradox to say that they are the necessary complement of any form of it, without which it could have little or no hope of success." We shall have occasion to go into this topic in greater detail when we explain our own proposals regarding the executive in Mysore.

(1) Report of the Joint Parliamentary Committee on Indian Constitutional Reform, para 20.

(2) *Ibid*, para 21.

Provincial autonomy at work.

115. We have emphasised these features in order to bring out the intentions of the framers of the Act, especially in view of the readiness with which provincial autonomy is being identified in certain quarters with full responsible government. In actual practice too, the spirit of the constitution has inevitably undergone modification according to the outlook of those working it. We cannot avoid referring to the result of this great experiment, as political opinion in Mysore is influenced by its appreciation of the working of the polity in the Provinces. Our impressions are necessarily very tentative, and it is not without hesitation that we venture to offer them. We shall mention only one or two considerations. Our colleague, Dr. F. X. DeSouza, however, dissociates himself from these observations.

First, we observe that in the Provinces where the Hindus are in a majority, the minorties, *e.g.*, the Muslims, will remain in a minority so long as the present antagonisms, based on communal interests last, and till new issues arise which will create political alignments for which divisions on religious or communal lines will be irrelevant. Similarly, in Provinces where the Muslims are in a majority, the Government will remain predominantly Muslim in composition, and the Hindu minorities will feel that their interests may be jeopardised. So long as such suspicions remain, and so long as the minority and majority communities do not work on a common platform, there is at least a risk that the form of responsible government will be used merely to place in power representatives of the majority community.

Again, from the words of some of its leading representatives, it is seen that the Congress party in the "Congress Provinces" denies its party status and lays claim to represent the country as a whole, at present ignoring the existence or even the possiblity of any Opposition. Whether from this beginning there will follow anything like the party system, which in history has been inseparable from responsible government, may be doubted. For example, what the English Parliamentary system would come to, if the conventions providing for the co-operation of the Opposition ceased to function, has been depicted in the following words by a constitutional

authority: Dr. Ivor Jennings—" Government would be possible without the co-operation of the Opposition. The Government majority would march through the lobbies, voting for the Government, with monotonous regularity. The Government would get its legislation and its financial resources; the Parliamentary sessions would be shorter and ministers would be in the unusual position of having plenty of time for controlling their departments. It would, no doubt, be the end of Parliament as a living institution, just as the absence of debate has made the Privy Council into a formal instrument of no importance. Nevertheless it would be possible, and only the conventions provide for the continuance of the present system." (1)

Result.

116. It is very difficult in the circumstances, to be sure whether " Responsible Government " in British India will develop on anything like the lines of the original model. Although the British system has been widely copied by other countries, it has really been successful only where, as in England, there have been two great political parties, agreed on fundamentals but differing in their methods of approach. The success has been qualified, where there have been numerous small parties and the Governments are dependent on the coalition of ever shifting groups. In such countries the spirit of democratic liberty has been preserved, although governmental stability has been lacking. It has, however, invariably failed wherever a single great party has come into power beyond the possibility of displacement, as the example of Italy and some other continental countries demonstrates. The danger is all the greater in India owing to the prevalent illiteracy and peculiar social conditions. The same is true of Mysore, and the only lesson we can at present draw from the experience of the working of provincial autonomy in India is that it would be futile to copy the British model of responsible government in its entirety, when the conditions are not propitious. Any premature adoption of it will in all likelihood lead to the rule of a single dominant party, which—whether organised on communal or any other considerations—is scarcely conducive to the proper working of the Parliamentary system on really democratic lines. It would therefore be wise counsel for Mysore to " hasten slowly " on her own path of constitutional development.

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(1) W. Ivor Jennings; *The Law and the Constitution*, Pages 90-91.

## SECTION V—The Goal of Constitutional Reform.

The basis of our scheme.

117. The principle which has inspired all constitutional developments in Mysore was first indicated in the Government Order of the 25th August, 1881, calling into being the Mysore Representative Assembly, *viz.*, that it should serve to convince the people that the interests of the Government are identical with those of the people. In the successive schemes of reform that have been adopted in the State from time to time during the last fifty-eight years, this purpose of enabling the citizens to realise the fundamental oneness between themselves and the State, by allowing them to participate in the shaping of the policies and measures of the Government, has found progressive fulfilment. We believe that the natural consummation of this policy of providing means for the embodiment of the popular will in the acts and policies of the Government and for giving a material shape to the identity between the citizens and the State, will lie ultimately in the establishment of a form of responsible government, which will satisfy the conditions which we have tried to explain in a preceding section. Such a consummation, however, in order to be durable and productive of the best, must come about as the result of evolution in an increasingly favourable environment. We have already dealt with those factors in the present environment which would give rise to great harm, in the event of a too sudden introduction of the system of full responsible government. We have also sufficiently emphasised the fact that the position of the Ruler cannot be reduced to that of a mere figurehead. But we recognise at the same time that there is considerable force in the argument that one way of creating the conditions desired is to put the people under the salutary burden of actual responsibility in such a measure as will not involve risks that are irreparable, thus inducing them to train themselves in ways of effective democratic citizenship.

Declaration of goal in terms of responsible government.

118. The question as to whether there should be any specific declaration of the goal of reform in terms of responsible government has received the anxious consideration of the Committee. Although the increasing association of the people with the Government in the administration of the State has all along been the declared policy of the Rulers of Mysore and although responsible government is nothing more than the *optimum* limit of such

association, it has been urged by some of our colleagues that a declaration in terms of responsible government will help to give the *quietus* to unnecessary and avoidable political agitation, and will set the people to work out their political salvation on a settled plan, while permitting the Ruler to put forth his best efforts to assist the people to attain the goal. Above all, it is said that a declaration is needed pre-eminently to-day, when people are so prone to be led into mistaken ways by unscrupulous propaganda, and that not only would there be no harm but there would be positive benefit in declaring a form of responsible government as the goal, since the recommendations of the Committee are in essence based on the idea of the development of popular responsibility.

On the other side, it has been urged by some other members that a declaration is of doubtful value constitutionally; that it is likely to create ambitions which cannot always be satisfied; and that it is likely to fetter the discretion of the Ruler for all time. It is argued that the much admired British constitution has grown up and adapted itself to the changing environment and was not built on any pre-conceived plan. It is stated that a declaration of the type contemplated could only be made under certain extraordinary circumstances. The declaration made by the Secretary of State for India in Parliament in 1917, which formed the Preamble to the Government of India Act of 1919, is held up as an example of a declaration which was made at a time of great stress, and it is pointed out that the course of subsequent events has compelled British statesmen to regret even the limited and circumscribed declaration then made. In short, it is said that every constitution should carry within itself the import of its own goal, and that it isuseless and even harmful to make an explicit declaration.

Responsible government under the ægis of the Ruler.

119. The question was considered by us in three stages. The first was whether there should be any declaration of a goal at all. The Committee agreed by a majority (1) of twelve against five that a recommendation

(1) *For*: Messrs. (1) Mahomed Imam, (2) D. H. Chandrasekharaiya, (3) T. Ramachandra, (4) B. S. Puttaswamy, (5) S. C. Malliah, (6) Mahomed Hanief, (7) C. Hayavadana Rao, (8) R. Chennigaramiah, (9) D. V.Gundappa, (10) Bhupalam Chandrasekhara Setty, (11) P. Subbarama Chetty, and (12) Rev. W. E. Tomlinson.
*Against*: Messrs. (1) Mahomed Abbas Khan, (2) C. Narasimhaiya, (3) M. C. Rangiengar, (4) P Mahadevayya, and (5) Sri K. D. Rukminiamma.
*Neutral*: (1) Mr. S. Hiriannaiya.

should be made to the Government that whatever developments or changes are made in the constitution of the State, should be directed towards the attainment of some definite aim or goal. The next point to engage our attention was whether such goal should be defined in terms of "Responsible Government" or of any alternative expression, such as "the fullest measure of association of the people in the administration." The majority of the Committee were of opinion that such words as "association" and "influence," which have been in vogue for many decades, have become stale, and the political consciousness of the country has outgrown their usefulness. They might perhaps have been appropriate at an earlier stage, in relation to what has been called "responsive administration" as distinguished from "irresponsive government." There would, however, be no point now in using such terms for defining a future aim or goal of constitutional reform in Mysore, which already possesses "responsive administration." Besides, the phrase "responsible government" conveys parliamentary traditions which are the admitted objective of current political aspiration. Nothing would therefore be gained in the circumstances by avoiding the use of that term and substituting for it an evasive paraphrase.

After a careful consideration of the *pros* and *cons* of this issue, a majority of twelve members of the Committee (2) as against a minority of five, are of opinion that the balance of advantage would lie in making such a declaration, provided we define clearly that "Responsible Government under the ægis of the Ruler" signifies to us a system in which the executive administration is carried on by a Cabinet of Ministers who are subject to a double responsibility: on the one side to the Legislature, on the other to the Ruler. The Ministry should have the support of the Legislature, for the measures they undertake, and they should also enjoy the confidence of the Ruler, with whom should rest their appointment, not merely in name but in actuality. This

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(2) *For*: Messrs. (1) R. Chennigaramiah, (2) D. V Gundappa, (3) Bhupalam Chandrasekhara Setty, (4) Mahomed Imam, (5) D. H. Chandrasekharaiya, (6) T. Ramachandra, (7) B. S. Puttaswamy, (8) S. C. Malliah, (9) Mahomed Hanief, (10) C. Hayavadana Rao, (11) P. Subbarama Chetty, and (12) Rev. W. E. Tomlinson.

*Against*: Messrs. (1) Mahomed Abbas Khan, (2) C. Narasimhaiya, (3) M. C. Rangiengar, (4) P. Mahadevayya, and (5) Sri K. D. Rukminiamma.

*Neutral*: Messrs. (1) S. Hiriannaiya, and (2) N. S. Subba Rao.

will apply to the ordinary day to day administration. However, for the reasons which we have already considered at some length, a reserve of effective powers must always remain in the hands of the Ruler, to ensure good government, and in particular to protect especially, the legitimate interests of the minorities; and last but not least, to satisfy the obligations imposed under the Treaty with the Paramount Power. It is obvious that these powers should have a certain priority and importance as compared with the exigencies of the routine administration. In the absence of such provisions, the phrase "under the ægis of the Ruler", meaning under his authority and protection, will be devoid of reality or significance. We believe that "Responsible Government under the ægis of the Ruler" as defined above should be the objective towards which all constitutional progress is directed. Such progress will necessarily have to be by stages, the measure of each advance being dependent on the judgment of the Ruler.

Alternative formulae.

120. Three alternative formulae intended to enable the public to understand the full significance and scope of our proposals were considered by us. The first which was proposed by Mr. B. S. Puttaswamy, was as follows:—

"This Committee is of opinion that the goal of constitutional advance should be the progressive realisation of such a form of responsible government under the authority and protection of the Ruler as is suited to the conditions of the State and is compatible with the sovereignty, prerogatives and privileges of His Highness, his Treaty obligations and his responsibility for peace, tranquillity and good government of the State, and also for safeguarding the interests of all classes of His Highness's subjects including the minorities, the time and measure of each such advance being determined by the Ruler according to the circumstances and conditions then prevailing."

The second formula proposed by Mr. D. V. Gundappa ran thus:—

"That in the opinion of this Committee, the goal to be kept in view in all constitutional reforms should be the establishment of a system of responsible government under the authority and protection of the Sovereign, *i.e.*, a system in which the administration is carried on by a Cabinet of Ministers enjoying the support and confidence of His Highness and the Legislature, the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness's subjects including the minorities, as well as to satisfy the terms of the Treaty with the British Government

remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

The third formula proposed by Mr. C. Hayavadana Rao and Mr. Tomlinson was as follows :—

"It has been the policy of the Rulers of Mysore since 1881 to provide for the increasingly effective association of the people in the administration of the State; it may accordingly be declared that the objective aimed at by this policy, now advanced a stage by this scheme of reforms, is the attainment of responsible government under the authority and protection of His Highness the Maharaja, always consistent with the conditions obtaining in the State: the sovereignty and prerogatives of the Maharaja, his Treaty obligations with the Paramount Power, and his responsibility for the maintenance of the peace, tranquillity and good government of the State. In this system of Government under the authority and protection of the Sovereign the administration will be carried on by a Cabinet of Ministers enjoying the confidence and support of the Legislature. The measure of each advance, the stages by which it should be reached, and the time and manner of each advance shall be determined by the Ruler."

Our recommendation.

121. Mr. Gundappa's formula, having found the largest measure of support, * may be taken to represent the view of the Committee. As finally revised, it was accepted by a majority of thirteen as against four, and reads thus :—

"The goal to be kept in view in all constitutional reforms in Mysore should be the establishment of a system of responsible government under the authority and protection of the Sovereign, *i.e.*, a system

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* I. Mr. B. S. Puttaswamy's proposition.—

*For*: Messrs. (1) Mahomed Imam, (2) D. H. Chandrasekharaiya, (3) T. Ramachandra, (4) B. S. Puttaswamy, (5) R. Chennigaramiah and (6) Mahomed Hanief.

*Against*: Messrs. (1) D. V. Gundappa, (2) D. H. Chandrasekhara Setty, (3) P. Subbarama Chetty, (4) Mahomed Abbas Khan, (5) C. Narasimhaiya, (6) P. Mahadevayya, (7) C. Hayavadana Rao, and (8) Rev W. E. Tomlinson. (Lost—6 *For* and 8 *Against*.)

II Mr. D. V. Gundappa's proposition.—

*For*: Messrs. (1) Mahomed Abbas Khan, (2) D. H. Chandrasekharaiya, (3) R. Chennigaramiah, (4) D. V. Gundappa, (5) B. Chandrasekhara Setty, (6) P. Subbarama Chetty, (7) Mahomed Imam, (8) C. Narasimhaiya and (9) Sri K. D. Rukminiamma.

*Against*: Messrs. (1) T. Ramachandra, (2) B. S. Puttaswamy, (3) Mahomed Hanief, (4) C. Hayavadana Rao, (5) P. Mahadevayya and (6) Rev. W. E. Tomlinson. (Carried—9 *For* and 6 *Against*.)

III. Mr. Tomlinson's proposition—

*For*:—Messrs. (1) C. Hayavadana Rao, (2) Mahomed Hanief, (3) T. Ramachandra, (4) D. H. Chandrasekharaiya, (5) B. S. Puttaswamy and (6) Rev. W. E. Tomlinson.

*Against*: Messrs. (1) D. V. Gundappa, (2) B. Chandrasekhara Setty, (3) P. Subbarama Chetty, (4) Mahomed Abbas Khan, (5) C. Narasimhaiya, (6) P. Mahadevayya and (7) Sri K. D. Rukminiamma. (Lost—6 *For* and 7 *Against*.)

in which the administration is carried on by a Cabinet of Ministers appointed by His Highness the Maharaja and enjoying the confidence of His Highness and the support of the Legislature ; the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness's subjects, including the minorities, as well as to satisfy the terms of the Treaty with the British Government, remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

Although this formula may be nothing more than a re-statement of well-recognised policy in Mysore, we consider that such a declaration will help to align and harmonise that policy with current political aspirations, that it will tend to educate public opinion on right lines and thus have a great normative value. We would therefore respectfully suggest that it may be incorporated in the Government Order or other document promulgating the reforms. One of us, Mr. N. S. Subba Rao, does not desire to associate himself with the above recommendation.

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Final voting for Mr. Gundappa's formula.—

*For*: (1) Dr. F. X. De Souza, Messrs. (2) J. Mahomed Imam, (3) D. H. Chandrasekharaiya, (4) T. Ramachandra, (5) Rev. W. E. Tomlinson, (6) Mahomed Hanief, (7) C. Hayavadana Rao, (8) D. V. Gundappa, (9) R. Chennigaramiah, (10) Bhupalam Chandrasekhara Setty, (11) P. Subbarama Chetty, (12) C. Narasimhaiya, and (13) Sri K. D. Rukminiamma.

*Against*: Messrs. (1) M. C. Rangiengar, (2) P. Mahadevayya, (3) S. Hiriannaiya, and (4) Mahomed Abbas Khan.

*Neutral*: Mr. S. C. Malliah.

*Absent*: (1) Messrs. N. S. Subba Rao and (2) B. S. Puttaswamy.

# CHAPTER IV.

## Our Proposals.

### SECTION I.—The Representative Assembly.

Continuance of the existing two Houses.

122. In framing a scheme of Constitutional Reform for Mysore, we are not faced with the problem of making suggestions for the creation of a constitution, for happily in Mysore, constitutional machinery already exists in the shape of the two popular institutions, the Representative Assembly, which is indigenous to Mysore, and the Legislative Council, whose growth has proceeded *pari passu* with the development of the internal economy of the State and the political advance of its people. Apart from its other functions, each in its particular sphere has been serving also as a forum for bringing the wants and grievances of the people to the notice of the Government and for getting them redressed as far as practicable. We propose that both of them should be continued under the new polity, with such enlarged powers and functions as we are suggesting in the recommendations that follow.

Proposal for a single house of legislature.

123. In recommending the continuance of the two Houses, we are not unmindful of the proposal made by the Mysore State Congress and some others, for the establishment of a single house of legislature, comprising one representative for every 25,000 of the population, with a strength of about 260. This proposal has been considered by us in all its bearings, but with the exception of our colleague, Mr. Bhupalam Chandrasekhara Setty, we are unable to agree to the adoption of unicameralism, without suitable correctives. Apart from other considerations, the adoption of the scheme would necessitate the abolition of the one or the other of the two existing Houses. Such abolition, to judge from the views expressed in the memoranda received by us, seems to be opposed to a large volume of public opinion in the State. By far the large majority of these memoranda are decidedly in favour of the retention of both Houses.

As one well considered memorandum rightly puts it: "For one thing, it (a single house) involves a definite

break with the historical continuity and traditions of the State and is further opposed to the sentiments of the people. The existence of the Assembly goes as far back as 1881, when representative institutions were hardly in existence elsewhere in India. Its powers and functions have been enlarged from time to time as the need arose for such enlargement. The Assembly has been functioning for well over half a century, and the Legislative Council for the past thirty years. The two Houses have come to be institutions cherished by the people, and both of them have served to establish a close and intimate nexus between the people and the administration. It would be quite untrue to say that they have served no purpose simply because their powers were ineffective, and that they had no influence whatsoever in shaping the policy of the State. The two Houses have really helped to bring about that close identity of the interests of the Ruler and the ruled which has been the main strength of Mysore in its evolution as a 'Model State.' The proposal for a unicameral legislature, which involves the extinction of one or other of the two Houses which have definitely come to be part of the political life of the people for over two generations, does not evince a truly constructive spirit which consists in adapting existing institutions to the changing conditions of the times and not in wiping out the old and writing upon a clean slate." We endorse these views and wish to add that a single house of legislature, with more or less the same strength as the present Assembly, would be too unwieldy for the purpose for which it is intended, while any attempt to make it more manageable in size by reducing its strength would entail the loss of the enlarged representation that the people have all along enjoyed, which, it is hardly necessary for us to add, we are loth to recommend.

Bicameralism.

124. The two Houses do not at present correspond to the two chambers of a bicameral legislature. The Representative Assembly, to quote from the report of the Seal Committee (Para 19) serves "however informally and rudimentarily, two important ends, *viz.*, the Initiative and the Referendum, which are such useful supplements and correctives to the machinery of formal constitutional representation," while the Legislative Council, as a body representing the collective wisdom and virtue of the people, "shapes and formulates legislative measures to

secure the well-being of the people by ways and means acceptable to the representatives of the people."

It is suggested by Messrs. M. C. Rangiengar and P. Subbarama Chetty that the character of the Representative Assembly should be so changed as to make it a regular legislative body, like the Legislative Assemblies in British Indian Provinces, vested with full powers of legislation and control over finance. They propose in short that the Representative Assembly should exercise co-ordinate powers with the Legislative Council.

The rest of us, however, feel that it would be highly inadvisable to make so radical a change in the character and functions of the Representative Assembly as would make it occupy the position of a lower house, with the Legislative Council as an upper house in a bicameral system. The question of a double chamber for Mysore is not new. It was examined by the Seal Committee in 1923, and they gave it as their opinion that a bicameral system was quite unsuited to Mysore. The Committee observed (Para 14): "The population and size of a State, its historic tradition or its imperial or federal character may sometimes demand a double chamber. Such conditions are wanting in Mysore. On the other hand, a compact and not unwieldy population, and a comparatively simple socio-economic structure, without marked differences of economic level and without big land-holding or feudal interests, would naturally point to a single chamber. A double chamber here would be economically wasteful and politically unsound. It would breed friction and dissension without corresponding gain in deliberation, and is also likely to produce congestion and morbid hyper-excitation in the body politic". Nothing has happened in the State since these words were written, so far as we are aware, to induce us to differ from these weighty observations.

We may further observe that if both Houses are to consist of a majority of non-official members elected on a territorial or population basis, the same party may capture both, as has happened in some of the British Indian Provinces. One will then be a replica of the other, and no useful object will be served by having two Houses. If, on the other hand, the upper house were to be differently constituted, being made representative mainly of faculties

or special interests and of conservative elements, that it might serve as a sort of check on the other house, it would give rise to undesirable differences and friction between the two houses, and the result would be deadlocks, which could be solved only by the intervention of the Sovereign. Besides, there are no such special interests or faculties in the State as would necessitate the formation of a separate house for their representation.

Character of the Representative Assembly.

125. The Assembly, as at present constituted, seeks to combine the forms of representation with the substance (and ends) of a referendum and initiative. It has been in existence for over half a century, and as our colleague, Mr. D. V. Gundappa, has forcibly put it: "It is a matter of almost superstitious sentiment that nothing should be done to take away its prestige or its importance." It corresponds to the oriental aspect of government, while the Legislative Council represents its occidental aspect. We are of opinion not merely that its present character and importance should not be altered or diminished, but also that its powers and functions should be enlarged in the manner we suggest. We believe that by its retention, in addition to its other functions, it would also serve as a political training ground for legislators. The necessity for such training has been pressed upon us, *e.g.*, by the representatives of the Depressed Classes, for whom we have proposed very much enlarged representation, and whose extremely backward conditions demand some medium through which they could exercise representative functions of a modified type, without having to bear the burdens attaching to the membership of a full-fledged house of legislature.

Representative Assembly and legislation: Government bills: prior consultation to be obligatory.

126. As we have seen, the Assembly shares in the work of legislation to some extent, even under the existing constitution. All legislative measures proposed by the Government are referred to the Assembly for the ascertaining of its opinion, although such opinion is not binding on the Government. Under the reformed constitution of 1923, the Assembly had, till recently, the right to be consulted on the general principles of all bills before their introduction in the Legislative Council, except in cases of urgency. The change brought about by the Representative Assembly (Amendment) Act of 1936, however, empowers the Government to introduce a

bill in the Legislative Council in the first instance and then refer it to the Assembly for an expression of its opinion before finally passing such bill into law. This change of procedure was no doubt made on the recommendation of a committee consisting of officials and non-officials. All the same, it is felt to have considerably diluted the right of previous consultation which the Assembly originally possessed, and thus deprived it of the primacy which it enjoyed in regard to legislation. It is also felt that it is quite possible for the Government under the existing Constitution to disregard the opinion of the Assembly and proceed with the bills in the Legislative Council and get them enacted into law, as happened recently, *e.g.*, in the case of the Power Alcohol bill, the Caste Disabilities Removal bill and two other bills. These two factors have combined to create an impression that the powers of the Assembly have become more or less illusory and that the prestige of the House has been lowered. We desire that every attempt should be made to remove such an impression by providing that the Assembly should invariably be consulted on all legislative measures in the first instance, and by vesting it with larger powers towards the shaping of all such measures. We therefore recommend unanimously that when it is proposed to introduce any bill into the Legislative Council, instead of placing only the general principles of the bill before the Representative Assembly as enjoined by law at present, a copy of the bill together with a statement of the general principles underlying the bill should first be placed by the Government before the Assembly and its opinion ascertained.

Mode of consultation.

127. We are, however, divided on the point whether, when a bill thus comes up before it, the Assembly should have the power of considering only the principles underlying the bill or any of its provisions as at present, or whether its powers should be extended to the consideration of the bill itself in detail, clause by clause.

A majority of eight of us consisting of Messrs. Bhupalam Chandrasekhara Setty, T. Ramachandra, P. Subbarama Chetty, Mahomed Abbas Khan, D. V. Gundappa, Mahomed Hanief, R. Chennigaramiah and S. C. Malliah are of the opinion that the Assembly should be empowered to express its opinion not only on the main

principles of a bill but also on any of the provisions of the bill, and that amendments may be allowed to be proposed by any member to any clause of the bill and not merely in regard to general principles. We feel that the distinction sought to be drawn between the principles of a bill and matters of detail, is an artificial one, inasmuch as the principles of a bill are generally embedded in its clauses, and it is very difficult in actual practice to maintain any rigid distinction, as could be seen from the present practice of allowing the members of the Assembly sometimes to traverse the entire provisions of bills, although they are entitled, as a matter of right, to consider only the general principles of bills. We consider that this difficulty should be recognised and provision made for avoiding its occurrence by empowering the Assembly to consider all the provisions of a bill in detail. This would, in our opinion, also regularise the existing practice.

A minority of seven consisting of the Chairman, Messrs. B. S. Puttaswamy, P. Mahadevayya, N. S. Subba Rao, S. Hiriannaiya, C. Hayavadana Rao and Mahomed Imam, however, think that the Assembly would be handicapped in the exercise of such powers by its size and composition, and that if such powers were conferred on the Assembly it might start functioning as a select committee on the bill. They are further of opinion that it would be impossible in practice for the Assembly, unless it sits for an indefinite period, to deal with the large number of amendments which might be expected to be brought up in respect of each bill, particularly by members who wish to adopt obstructive tactics to prevent the smooth conduct of business in the House. They, therefore, consider that the Assembly should be entitled to express its opinion only on the general principles underlying a bill or any of its provisions, and propose amendments thereto.

However, we are unanimously agreed that at least seven days previous notice should be given of any amendment which may be proposed by a member, if he wants the House to divide and vote in respect of his amendment.

Effect of Assembly's opinion.

128. Whichever of the above mentioned recommendations may ultimately find acceptance, we are unanimously of opinion that the decisions of the Assembly in

respect of legislation should not be lightly dealt with by the Government, but that its opinion, especially when supported by a large majority, should carry due weight with them. We accordingly suggest that when the principles of a bill or any of its provisions are opposed or amended by a majority of members forming not less than two-thirds of the total strength of the House, the verdict of the Assembly should be accepted by the Government. It should however be open to the Government to introduce the bill into the Legislative Council, with such modifications as may be deemed desirable by them in the light of the opinions expressed by the Assembly, in exceptional cases, if they consider it necessary to do so in the public interest or for ensuring safety and good government. But we deem it essential, in such cases, that a statement giving reason for their decision should be issued by the Government and a copy of it forwarded to the members of the Representative Assembly as well as the Legislative Council.

Alternative proposals.

129. Our colleague, Mr. D. V. Gundappa, proposes that a bill, if disapproved as a whole by three-fourths of the total strength of the Representative Assembly, should not be introduced in the Legislative Council at all; that if the Assembly passes amendments to any of the clauses of the bill, such of the amendments as are supported by a majority of not less than two-thirds of the number of members present, should be incorporated in the bill before it is introduced in the Legislative Council; and that in the case of amendments by a smaller majority than two-thirds such of them as are not accepted by the Government (or the mover of the bill) should be reported to the Legislative Council when the bill is introduced there.

A somewhat similar proposal is made by Mr. T. Ramachandra to the effect that Government must invariably accept the decision of the Representative Assembly about any bill, if it is supported by a two-thirds majority of the House, and that no permanent measure of legislation should be placed on the statute book if it is opposed by a two-thirds majority of the Assembly.

Neither of these proposals is acceptable to the rest of us at this stage, as they are both inconsistent with the

general trend of our proposals. Under our scheme the Government will have no party of their own in the Assembly, and consequently they will not be in a position to influence the House either way in arriving at its decisions. If decisions for which the Government are not responsible are made binding on them, when supported by a prescribed majority, it is sure to embarrass the Government and make the administration of the State difficult. Where a well-developed party government prevails, the executive commands a party of its own in the legislature, which it could influence to obtain the decisions it wants; and when any adverse verdict is given the executive does not carry it out, but resigns, and the party in opposition which was responsible for the verdict assumes office. So long as it is not possible to adopt such a form of government, it is obviously essential that a measure of discretion should be vested in the Government. Ordinarily the Government, it may reasonably be assumed, will not proceed with a measure when it is unacceptable to a large majority of the representatives in the Assembly. But situations may well arise when the Government may be obliged to proceed with the bill, either "for ensuring safety and good government" or "in the public interest," notwithstanding the opinion of the Assembly. It is inadvisable to fetter the hands of the Government in such cases. The Government must be free to take the bill to the Legislative Council and test the Assembly's opinion there. There need be no apprehension that under this procedure legislation unacceptable to the people will find a place on the statute book. The Legislative Council, under our proposals, will comprise an effective majority of representatives elected by the people, and, if they agree with the verdict of the Assembly, the bill will inevitably be thrown out.

Subsequent stages of legislation.

130. The next stage in the process of legislation, after the passage of a bill in the Representative Assembly, is its introduction in the Legislative Council, with or without the modifications suggested by the Representative Assembly. The bill will go through the usual three readings there, and the Council will be free to accept or reject the modifications made by the Assembly. When it is finally passed by the Council, it should not be necessary to place the bill again before the Representative Assembly for any further expression of its views on the changes made

in it by the Council, but when the bill is submitted to His Highness for his assent, it should be accompanied by a statement of the opinions expressed by the Representative Assembly thereon.

Mr. Bhupalam Chandrasekhara Setty is, however, of opinion that after a bill is passed by the Legislative Council, whether in accordance with the views of the Representative Assembly or in modification thereof, it should again be placed before the Representative Assembly and the Assembly empowered to suggest any further alterations or amendments thereto which it may consider necessary. The rest of us are unable to agree to this view, as it might equally well be urged that the bill should again be referred to the Legislative Council for that body to consider the further opinion of the Assembly; and at this rate there would be no end to the process of legislation.

Private members' bills.

131. As regards private members' bills, the present position is that such bills can be initiated only by members of the Legislative Council and not by the members of the Representative Assembly. This distinction is obviously based on the view that the Legislative Council alone can strictly be regarded as a house of legislature and that it is, therefore, only a member belonging to t House that can initiate legislation. In view, howev of the enlarged powers which we have suggested for t Representative Assembly, we think it expedient, both fron the point of view of public interest as well as of constitutional harmony and propriety, that the disparity in this respect between the members of the two Houses should be done away with.

Previous sanction.

We suggest therefore that, as is the case now in the Legislative Council, it should be open to any member of the Representative Assembly also to bring in a private bill for the consideration of the Assembly. The previous sanction of the Dewan should however be made a condition precedent to the bringing in of such bills, with a view to avoiding the possibility of the legislative policy of the Government being nullified by private bills. Such previous sanction would also serve the purpose of a valuable safeguard for the minority communities by preventing the possibility of bills which are

likely to be harmful to their interests being proceeded with in the Assembly. It is presumed that such permission would be granted, unless in the Dewan's opinion the discussion of the bill is detrimental to public interest.

Any such bill, if thrown out by a majority of the members present and voting, should not be proceeded with any further. We do not think that it is necessary to prescribe a special majority, as we have done in the case of Government bills, for the rejection of such bills. The same procedure should be applicable also to any private bill proposed to be introduced by a member of the Legislative Council and placed before the Representative Assembly for an expression of its opinion.

Emergency legislation

132. Our general position with regard to legislation is that the Representative Assembly should be consulted on all legislative measures, and that no such measure should be permanently placed on the statute book without being in the first instance placed before the Assembly. The existing provision in Section 9 (2) of the Representative Assembly Act enables the Government to dispense with such consultation in cases of extreme urgency, when even the ordinary rules of business of the Legislative Council may be suspended and the bill passed into law at a single sitting of the Council. It is thus possible for the Government to bring on the statute book important measures of a permanent character with the aid of the Legislative Council alone, on the ground of urgency, without the Assembly having any voice in the matter. This rule conflicts with our main recommendation, and we therefore recommend its abrogation.

We believe that emergent situations could be adequately met by an exercise of the power conferred by Section 12 of the Legislative Council Act of framing temporary regulations having the force of law for a period of six months. This power may be continued with a modification empowering the Government to extend the period of operation of any such emergent enactment by a further period of six months, if necessary, in view of the fact that there might not be any session of the Assembly before the expiry of six months from the date of promulgation of the emergency legislation, or the

period may not be sufficient to permit the passage of the measure through both the Houses.

Excluded subjects.

133. The scope of the Representative Assembly and the Legislative Council does not at present extend to matters relating to :—

(*a*) the Ruling Family of Mysore ;

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with Foreign Princes or States ;

(*c*) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power ;

(*d*) the provisions of the Legislative Council Act ;

(*e*) the provisions of the Mysore Representative Assembly Act ; or

(*f*) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

The normal effect of these exclusions is that all external relations are beyond the jurisdiction of the two Houses, while all internal matters, excepting those relating to the Royal Family and changes in the constitution of the Representative Assembly and the Legislative Council, fall within the purview of the two Houses. Our colleague, Mr. Bhupalam Chandrasekhara Setty, proposes that both the Houses should be competent to deal with these subjects as well ; or, in other words, that there should be no excluded subjects whatsoever. The rest of us are, however, of opinion that, under existing conditions, the exclusion of these items is a necessary consequence of the relationship of the Ruler with the Paramount Power and the status of Mysore as a State under British protection to which we have already referred at length in the previous Chapter. It is of prime importance to avoid the possibility of either of the two Houses interfering with the freedom of the Maharaja in the exercise of the rights and the discharge of the obligations arising from his relations with the Paramount Power, by allowing matters arising from such relations to be made the subject-matter of a discussion or otherwise in the two Houses. Nor again could the two Houses, which derive their authority from and are brought into existence by a Proclamation, be vested with constituent powers, that is

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to say, powers to change their constitution, without prejudice to the ultimate responsibility of the Maharaja under the Treaty for the administration of the State. It is essential, therefore, that the above subjects should continue to be excluded from the scope of the two Houses.

Discussion regarding changes in the constitution of the two Houses.

134. The exclusion of changes in the constitution of the two Houses will be confined as at present to legislation only, and will not extend to discussions and resolutions on the subject. Neither of the two Houses will be competent to consider any legislative measure relating to changes in their constitution. Constitutional amendments will be effected as and when required, by enactments promulgated by the Maharaja in the exercise of his prerogative. But discussions and resolutions in the Legislative Council and in the Representative Assembly with regard to such changes are being allowed even now and may well continue to be allowed in future also, with the modification which we suggest below, as such discussions may serve in the words of the Seal Committee (para 40) as "a sort of informal initiative to the unitary sovereign authority centred in the Head."

The provisions of the Legislative Council are now treated as an excluded subject so far as the Assembly is concerned, with the result that no member of the Assembly can move any resolution relating to the constitution of the Legislative Council, while he is at liberty to bring in resolutions relating to the constitution of the Assembly. There is a similar prohibition in the case of the Legislative Council also preventing the members of the Council from moving resolutions regarding the constitution of the Assembly. This reciprocal exclusion, by which each House might suggest modifications of its own constitution but not that of the other House, is evidently based on the idea that each House is an independent and detached element of the constitution. In our opinion, the two Houses are organically connected and form integral parts of the constitution. Each House should therefore have the privilege of considering and making suggestions for the rectification of the deficiencies of the other, and of suggesting improvements also, ifits own functions are to prove more effective and fruitful. We therefore recommend

that the existing restriction should be removed, and that each House should have the power of moving resolutions suggesting changes in the constitution of the other also. As a safeguard, however, against this power being abused and the country being often thrown into a political ferment, we suggest that the Dewan's previous sanction might be made a requisite for the moving of such resolutions.

Bills affecting religion, etc.

135. A good number of the memoranda received by us emphasise the need for providing some safeguard for the protection of the religion, religious rights or usages of minority communities. It is apprehended that, with the democratisation of the Constitution and the transfer of greater responsibility to the people, the religious rights and customs of minority communities might be interfered with by the majority communities by legislation. We think it but right that previous sanction should be made a condition precedent for the introduction in either of the two Houses of any measure affecting the religion, religious rights or usages of any class of His Highness's subjects.

A majority of nine of us (1) are of opinion that the sanction required should be that of His Highness, for in any form of government in Mysore the ultimate authority to whom everybody looks for protection in respect of religion, culture and language is not the Government of the day for the time being, but the permanent Head of the State, *viz.*, the Sovereign. Moreover, this would, in our opinion, give an added confidence to the minority communities, as the Maharaja is regarded by all classes of his subjects as the protector of all religious faiths.

A minority of seven (2) are of opinion that it is undesirable that the name of His Highness the Maharaja should be drawn within the range of controversy in such matters. They consider that the sanction of the Dewan ought to be quite sufficient for the purpose intended, as no Dewan, whatever his religious persuasion might be, when approached with a proposal which is likely to

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(1) *Majority*: Messrs. (1) C Narasimhaiya, (2) J. Mahomed Imam, (3) N. S. Subba Rao, (4) S. Hiriannaiya, (5) C. Hayavadana Rao, (6) M. C. Rangiengar, (7) Mahomed Hanief, (8) Mahomed Abbas Khan and (9) Sri K. D. Rukminiamma.

(2) *Minority*: Messrs. (1) S. C. Malliah, (2) B. S. Puttaswamy, (3) T. Ramachandra, (4) P. Subbarama Chetty, (5) P. Mahadevayya, (6) R. Chennigaramiah and (7) Rev. W. E. Tomlinson.

cause unrest in the minds of any religious community, would give or withhold sanction to it except with the previous knowledge and permission of the Ruler.

Mr. Mahomed Hanief is of opinion that the Legislative Council should not be competent at all, whether with or without the sanction of the Dewan or His Highness, to consider any measure relating to the religion or religious rights or beliefs of any community.

Finance: taxation.

136. The Assembly, as the more popular of the two Houses, already possesses the right of being consulted on all proposals for the levy of new taxes or the enhancement of existing taxes. It is statutorily provided even now that no new tax shall be levied in Mysore nor any existing tax enhanced without such consultation. This, coupled with the enlarged powers which we have recommended for the Assembly in respect of legislation, would secure that House an effective voice in respect of the imposition of fresh burdens on the people.

Budget.

137. The estimated annual revenue and expenditure of the State is now laid before the Assembly in the form of a statement which it is empowered to discuss, with the exception of certain heads of expenditure excluded from its purview. Resolutions can further be moved by any member on the general principles and policy underlying the budget, but not with reference to particular grants or appropriations. It is an accepted constitutional principle that the people's representatives should have an opportunity of pressing their needs and grievances on the attention of the Government before supplies are granted. This is generally done by means of cut-motions, the object of which is not, as a matter of fact, to reduce the Government's spending power, but merely to urge in a specific manner the grievances of the people. Such a right has already been conferred on the Legislative Council and is being exercised by it. The large elected majority which we have suggested for that House would render the exercise of this right very effective by ensuring a decisive voice to the representatives of the people in the voting of supplies. The exercise of the same right by the Assembly concurrently with the Council is attended with practical difficulties, for as pointed out by the learned Chairman of the Seal Committee in para 75 of that Committee's report,

the voting of "specific money grants being dealt with by two sets of people's representatives in two different Houses, perhaps in opposite ways, is one of peril as inviting collision, and imports a peculiar instability into the Constitution, in fact, a want of co-ordination between its two limbs which amounts to a sort of 'locomotor ataxy'!"

All things considered, we think it better to leave in the hands of the Legislative Council the power of considering the budget in detail and voting on it. At the same time, we are of opinion that in addition to the rights of discussing the budget in general and of moving resolutions on the principles and the policy underlying it, now possessed by the Assembly, some more financial responsibility should be vested in that House. We recommend that the Assembly's powers over the budget may be extended to the moving of resolutions on any of the major heads, but without reference to particular grants or appropriations included therein. This will enable the Assembly to raise specific issues relating to the expenditure of the several departments.

Excluded heads of expenditure.

138. The proposals of the Government for the appropriation of revenues or other monies for expenditure under the following heads are not now open to discussion either in the Representative Assembly or the Legislative Council nor are they liable to be submitted to the vote of the Legislative Council :—

(1) Palace including the staff and household of His Highness the Maharaja.

(2) Military Forces of His Highness the Maharaja.

(3) The pensions of public servants.

(4) Expenditure relating to or affecting :—

(*a*) the relations of His Highness with the Paramount Power or with other States ;

(*b*) Matters governed by Treaties or conventions or agreements now in force or hereafter to be made by His Highness with the Paramount Power.

(5) Interest on loans and charges on sinking funds guaranteed at the time of raising the loans.

(6) Expenditure of which the amount is specified by or under the law.

The list has been scrutinised by us with a view to finding out whether it would not be possible to bring any one or all of the heads within the purview of the Assembly as well as of the Legislative Council. The majority of the Committee think that the expenditure on the Military Forces of His Highness the Maharaja (excepting Palace Troops) may be allowed to be discussed both in the Assembly and Legislative Council, although no resolution or voting need be permitted thereon. The object in making this suggestion is to give an opportunity to the representatives of the people in both the Houses to press upon the Government their views with regard to the question of recruitment and training, without in any way affecting the efficiency and strength of the Forces. The minority including the Chairman, Messrs. P. Mahadevayya, C. Hayavadana Rao and M. C. Rangiengar are of opinion that the existing practice may continue. The other heads will continue to be excluded as at present.

Mr. Bhupalam Chandrasekhara Setty is not in favour of having any excluded heads at all, while Mr. D. H. Chandrasekharaiya is of opinion that only the first item, *viz.*, Palace, etc., need be excluded.

Proposals for enhancement of grants.

139. A suggestion was made by our colleague, Mr. Mahomed Abbas Khan, that it should be open to any member, in moving resolutions on the budget, to recommend an increase of expenditure under any head, provided he pointed out therein ways and means for meeting such increase. In support of this suggestion, Para 65 of the Seal Committee report, which runs as follows, was quoted: "If any such resolution is for an increase of expenditure under a certain item, ways and means for meeting the increased expenditure or increase in revenue or receipt should be pointed out by the mover of the resolution." We are unable to recommend the adoption of this suggestion, as it is opposed to one of the fundamental canons of public finance, that no proposal for the imposition of taxation, or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues can be made without the recommendation and except on the responsibility of the executive. This constitutional principle finds a place in practically every Constitution Act throughout the British Empire and is embodied in Sections 37 and 82 of the Government of

India Act, 1935. We do not see any reason for recommending the adoption of a different principle in Mysore.

Resolutions and their effect.

140. Resolutions of the Assembly on matters of public administration as well as on the budget have now the force of recommendations only. It has been urged in some of the memoranda and by a few witnesses that the executive should be bound to carry out the resolutions passed by the Assembly. We are of opinion that this method of attempting to control the executive by direct orders would gravely hamper the administration of the State and prejudice security and good government. We shall have occasion to deal with this in a fuller manner in connection with the nature of the executive. Our opinion, in brief, is that, in keeping with well recognised parliamentary practice, a resolution of a legislative body is entitled to respectful consideration by the Government, but the degree of weight to be attached to any resolution will be determined by the circumstances of each case.

Allotment of days for the discussion of resolutions.

141. We consider it unnecessary to fix a maximum number for the resolutions that may be moved or discusssd in any session of the Assembly. Each member of the Assembly may be allowed to send up one resolution for each session, Dasara and Birthday. A prescribed number of days may be allotted for the discussion of resolutions. This may be fixed at five days for the Dasara Session and four days for the Birthday Session, (two days for resolutions on the budget and two for other resolutions), and of these one day may be set apart in each session for the discussion of resolutions sent up by members representing minorities and special interests. The order in which resolutions are to be taken up may be determined by the drawing of lots.

Abolition of the system of district meetings for the selection of resolutions, etc.

142. The method now in vogue for the selection of resolutions, interpellations and representations, which are to be sent up for discussion in the Assembly, is that the members of the Assembly in each district meet at the district headquarters under the presidency of the Deputy Commissioner and select by voting the subjects which are to come up before the Assembly. It is quite possible under this system for a party which is well organised so to manoeuvre matters as to see that only resolutions, representations and interpellations sent up by members

of that party are selected, and to reduce all chances of any subject sent up by members of other parties ever coming before the Assembly. The method has been criticised as working much to the prejudice of minority parties and its abolition suggested. There is much force in the criticism, and we have no hesitation in recommending the abolition of this system. In future the members may be allowed to send up their representations or resolutions or interpellations, as the case may be, direct to the Government. This would instil a higher sense of responsibility in the members on questions of public interest.

Interpellations.

143. The right of asking for information regarding the actions of the Government is a valued privilege, the scope for which we should like to see enlarged in the case of the members of the Representative Assembly. Each member may be allowed to send up one question for each session. No maximum limit need be placed on the total number of interpellations to be sent up by all the members for any session, and supplementary questions may be allowed at the President's discretion.

Representations.

144. It has been suggested by Mr. D. V. Gundappa that the item of business now known as representations might be abolished, and that, in its place, points of common interest for the whole State might be allowed to be pressed in the Assembly in the form of resolutions. Representations have been, however, a distinctive feature of the Assembly's work ever since its inception. The making of representations is a privilege greatly valued by the rural population, and its importance cannot be minimised. To them the one great object of the Assembly is that representatives from the remotest areas in the State should come into direct contact with the Head of the Administration and place before him the wants and grievances of the people in the form of representations. We think it but proper, in the circumstances, that this item of business should be continued in future and even extended by allowing each member to bring in one representation for each session.

It is now provided that subjects falling within the competence of a Municipal Council, District Board or other local body, or officer should not ordinarily be brought up for

discussion in the Assembly. Our colleagues, Messrs. Mahomed Abbas Khan and D. V. Gundappa, suggest that, if representations are continued, this restriction should be removed and even local subjects be included in the agenda of the Assembly. The majority of us are, however, of opinion that discussion on local subjects with a view to the Government taking action thereon might very well lead to interference by the Government with the working of local bodies, which is not desirable either from the point of view of the Government or that of the people themselves. We suggest therefore that if any local subjects are sent up by any member, they might be referred by the Government to the competent authority for disposal. But if that is done, the Government should place before the House for its information a statement of the action taken by them in respect of such subjects.

Consultation on important measures and policies.

145. Apart from the above, we think that when legislative, financial and administrative measures are under contemplation, the Government should, as far as possible, consult the Assembly and ascertain its views on such measures before taking a final decision. It is not suggested that individual acts of administration for which no Government, whatever might be its form, could be expected to divest itself of its responsibility, should be referred to the Assembly. But measures and policies in general proposed to be initiated by the Government, which affect the condition of the people or involve heavy outlay, might with advantage be referred to the Assembly for its opinion at the discretion of the Government. Such consultation would enable the Government to feel the pulse of the people and would strengthen their hands in the carrying out of such measures, when they feel certain that they have the general backing and support of the Assembly. It has become a practice for the Assembly to be consulted even now on all important measures. But a *de jure* recognition of the practice, combined with more frequent resort to it, whenever the Government could do so without prejudice to their own initiative and responsibility, would not merely enhance the status of the Assembly but would also be one more means of establishing a closer nexus between the people and the administration.

Mr. T. Ramachandra suggests that the Legislative Council should also be consulted in similar circumstances

while Mr. D. V. Gundappa and several others suggest that when the Government propose to undertake any scheme (whether included in the budget or not) costing above a certain amount, the proposal should be placed before the Assembly for approval. The majority of the Committee however are not in favour of either of these suggestions.

Strength and composition of the Assembly.

146. We recommend a small increase in the strength of the Assembly from 275 to 300, distributed as follows :—

| | | | |
|---|---|---|---|
| (1) Rural Constituencies | ... | ... | 165 |
| (2) Urban Constituencies | ... | ... | 45 |
| (3) Minorities :— | | | |
| (*a*) Muslims | ... | ... | 26 |
| (*b*) Depressed Classes | ... | ... | 30 |
| (*c*) Indian Christians | ... | ... | 5 |
| (*d*) Europeans | ... | ... | 1 |
| (4) Special Interests | ... | ... | 28 |
| Total | | ... | 300 |

The Government may further be empowered to increase this strength by 10 or 15, if necessary, to enable them to provide for the representation of any new interests or constituencies that may develop in future, *e.g.*, in connection with the proposed retrocession of the Civil and Military Station, Bangalore.

Rural constituencies.

147. The existing allocation of seats in the Representative Assembly is based on the recommendations of a Committee appointed by the Government for the purpose in 1932, and the number of seats allotted to a taluk or sub-taluk is in the proportion of its population, on the following scale :—

| | | |
|---|---|---|
| Taluks having a population of over one lakh | ... | 3 |
| Taluks or sub-taluks having a population ranging between fifty thousand and one lakh | ... | 2 |
| Taluks or sub-taluks having a population below fifty thousand | ... ... | 1 |

There are at present 81 rural constituencies returning 164 members. These constituencies are made up of the 71 taluks and 7 sub-taluks in the State, the Kolar Gold Field Sanitary Board area and the Yelandur and Sringeri Jahgirs.

The area of the taluk constituency is coincident with the revenue jurisdiction of the taluk, except that the head-quarters town is excluded from it wherever it is a separate urban constituency. The two Jahgirs as well as the 7 sub-taluks have one member each ; the taluks of Bangalore, Kankanhalli, Goribidnur, Tumkur, Gubbi, Chamarajanagar, Nanjangud, T.-Narsipur, Krishnarajapet, Channarayapatna and Arsikere, *i.e.*, 11 taluks in all have three seats each, and the remaining taluks and the Kolar Gold Field Sanitary Board area two seats each.

The principle on which this allocation is based is acceptable to us, and we do not wish to suggest any modifications except to the extent necessitated by the alterations made in the boundaries of two taluks since the last allocation was made :—

(*a*) The number of seats allotted to Gubbi may be reduced from three to two, as a portion of that taluk has been added to Turuvekere which may, therefore, be given two seats instead of one as at present.

(*b*) Similarly, the number of seats given to Krishnarajpet taluk may be reduced from three to two, as the size of the taluk has been reduced by one hobli. This has been added to French-Rocks which may be given two seats.

As a result of these changes the number of rural constituencies will be 82 with 165 seats.

Urban constituencies.

148. All municipalities having a population of 5,000 and above are at present treated as urban constituencies and allotted one seat each. There are 40 such constituencies, including the cities of Bangalore and Mysore, which on account of their large population and other factors, are given four seats each.

We have considered whether, in view of the fact that a large number of the so-called urban areas have really nothing to distinguish them from the surrounding rural areas, it might not be desirable to raise the population limit, entitling to representation only such towns as have a population of ten thousand and above. This would, however, entail the disenfranchisement of many existing

constituencies, which would be a very unpopular step. Some of these urban constituencies, moreover, are growing towns, and their special problems demand for them separate representation. We therefore think that the existing arrangement may continue, with the slight modification that Bhadravati town, which is growing in importance, may also be recognised as an urban constituency and given one seat.

The number of seats given to the cities of Bangalore and Mysore may be reduced from 4 to 3 in view of the fact that 20 to 25 per cent of the population of these cities consists of Muslims and the Depressed Classes for whom separate seats will be reserved. The total number of urban constituencies will thus be 41, and the number of seats allotted to them will be 45.

Direct election and abolition of "facultative representation.

149. We propose that all the members other than those representing special interests, should be directly elected from territorial constituencies, as this would give the Assembly a more democratic character. This proposal implies the abolition of what is now generally known as "facultative representation," by which minority communities are entitled to return their representatives through associations recognised by the Government, as well as by nomination by the Government in the absence of such associations. There is a preponderance of opinion in demanding that the method of nomination should cease; and we entirely agree with this view. As regards the system of "facultative representation" through associations, it has been compared to election through the pocket boroughs of the pre-Reform days in England, and has been criticised as liable to grave abuses. The associations too, through which election is sought, have been likened to mushrooms in growth and development, coming into existence at the time of the elections and ceasing to function after they are over. The Seal Committee who recommended the adoption of the system hoped that it might act "as a force for the political education" of the minority communities. That hope has not been realised. On the other hand, the system appears to have actually arrested political development. The certainty of getting into the Assembly through nomination or by election through associations consisting of a small number of members of one's own community, has allowed no scope for the growth of a spirit of enterprise which would lead

candidates to face the risks of a general election. It is high time, we think, that this method should give place to direct election through territorial constituencies, which would give a more representative character to the members of the Assembly, as they would be the choice of a larger circle of voters.

Mr. B. S. Puttaswamy is of opinion that provision should be made for the nomination of, say, ten members to the Representative Assembly in order to represent interests and schools of thought not sufficiently represented in it; and Mr. D. V. Gundappa is of opinion that such power to nominate ten members is necessary in order to enable the Government to obtain the services of persons having expert knowledge or technical skill or some kind of special ability in the Assembly. These proposals were not supported by the rest of the Committee.

Reservation of seats for minority communities.

150. The allocation of seats in any deliberative body in Mysore, as elsewhere in India, is closely interwoven with the important and highly controversial subject of communal representation. This is indeed inevitable in a country with a diversity of population consisting of many distinct social groups, each of which is divided from the others by wide differences of language, religion and culture, and which naturally feel apprehensive lest their interests should suffer unless they are ensured separate representation on the legislature, sufficient to make their influence felt. The method adopted in Mysore for ensuring such representation is the same as that in British India, *viz.*, the system of reserved seats. The Muslims are at present guaranteed 18 seats and the Indian Christians 5 seats. The Depressed Classes, although numerically they form a fairly large percentage of the Hindu community, have 6 seats reserved for them, in view of their economically and socially backward condition, which hardly allows a chance for their representatives to come into the Assembly through the general elections.

The usual arguments have been adduced for and against separate representation for the above mentioned communities; but we do not propose to set them out here at any length as they are well known. The assumption that these communities may be expected to merge themselves in the general population seems to be

belied by the trend of political development in British India, where the problem of communal representation has not only raised its head at every stage of advance, but has actually become for the time being an accepted and even dominant factor in the Indian Constitution. The solution suggested by the Nehru report caused grave dissatisfaction among Muslims and other minorities, and the Indian National Congress felt itself bound to assure them in its Lahore Resolution "that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned." Mahatma Gandhi, the representative of the Congress, proposed at the Minorities Committee of the Second Round Table Conference a system of reserved seats with joint electorates on the basis of population to Hindus and Muslims in any Province where they were less than 25 per cent of the total population. He regarded this "though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned." That was, however, by no means the case, and the prolonged discussions and the protracted negotiations culminated in the Minorities Committee recording with deep regret "that it has been unable to reach any agreed conclusion on the difficult and controversial question." The subsequent Communal Award and the keen controversy which is still going on in British India over the embodiment of this Award in the Government of India Act, demonstrate how frail is the hope of the communities reaching any agreement on this point. These events have had their repercussions in Mysore which is surrounded by British Indian Provinces. All the witnesses belonging to these communities who have appeared before us, as well as individuals and associations of these communities who have sent in their memoranda to us, are unanimous in demanding the continuance of the system of reserved seats. Its discontinuance in the face of such unanimity would be a step which we are not prepared to recommend, especially as it would deprive the communities concerned, not merely of the security which they have all along enjoyed and on which they set great store, but of what is regarded by them as a privilege conceded to their brethren in British India.

Indian Christians and Europeans.

151. Coming now to the question of the actual number of seats to be reserved for each community, we

consider that the number of seats, *viz.*, 5, now reserved for Indian Christians, who form a little over one per cent of the population of the State, may be continued, and that 1 seat may be set apart for Europeans, who though small in number are an important community.

Muslims.

152. As regards Muslims and the Depressed Classes, some increase seems to us to be necessary. The population of the Muslim community in the State is 398,628, or nearly 6 per cent of the total population, and 18 seats are now reserved for them in the Representative Assembly. All shades of Muslim opinion are agreed in demanding that Muslims should be given representation with adequate weightage, and that such weightage should be in the same proportion as that conceded to Muslims in the neighbouring Province of Madras, *viz.*, 13 per cent, where the percentage of their population is very nearly the same as that in Mysore. It is urged that if the present form of government, which in their opinion is holding the scales even as between the several communities, were to continue in future as heretofore, there would be no cause for Muslims asking for any special treatment, but that under a form of popular government such as the one envisaged by us, adequate weightage becomes a matter of prime importance, indeed of necessity for Muslims, as otherwise Muslim interests might not remain as safe as they are at present. Instances of what are regarded by Muslims as encroachments on their language and culture under the popular ministries in some of the Provinces have been cited before us in support of the demand for such weightage. There is some force in this argument, and a generous gesture seems to be called for from the majority communities, so as to inspire confidence in the Muslims and to secure their whole-hearted co-operation. But in the opinion of a majority of us the weightage claimed appears to be somewhat excessive. It must be remembered that weightage seats do not come out of a vacuum; they can be given only by depriving the majority communities of their legitimate share. We think that the weightage required should be restricted to the absolute minimum requirements, and accordingly propose that the number of seats to be reserved for Muslims be fixed at 26, which seems to us to be reasonable and adequate.

153. We propose that the seats reserved for Muslims in the Representative Assembly may be distributed as follows :— Constituencies for Muslim seats.

| | | |
|---|---|---|
| (1) | The cities of Bangalore, Mysore and the Kolar Gold Field Sanitary Board area ; one seat each ... | 3 |
| (2) | The Districts of Bangalore, excluding the city, Kolar excluding the Kolar Gold Field Sanitary Board area, Shimoga, Tumkur and Chitaldrug ; 3 seats each ... ... ... | 15 |
| (3) | The Districts of Mysore, excluding the city, Kadur, Hassan and Mandya ; 2 seats each .. ... | 8 |
| | Total ... | 26 |

Mr. Mahomed Imam considers that, unless the number of seats for Muslims is considerably increased, it will not be possible to form workable constituencies for them.

154. The Depressed Classes number about 12½ lakhs in a total population of 65 lakhs. It has been claimed that they should be given one-fifth of the total number of seats on the analogy of what obtains in British India, where the Depressed Classes have been allotted, under the Poona Pact, seats in proportion to their population. If this were to be conceded by us, they would be entitled to get 60 seats in an Assembly of 300 members. It is very doubtful whether, in view of their economic backwardness and want of education, it would be possible for the community to return competent members in such large numbers. Thirty seats for the Depressed Classes seem to us therefore to be reasonable for the present, and we unanimously recommend that this number may be set apart for them. This will increase the present representation of these classes five-fold. Depressed Classes.

155. The system of reserved seats in Mysore is extended at present not merely to the four communities named above, but to the Hindu sub-communities as well. No reservation is made in favour of any particular sub-community, but a number of seats is reserved on the whole, to be made available to any such community as has a population of 20,000 and above, or even to communities with a lesser population, in special circumstances, should they fail to return their own Abolition of reserved seats for Hindu minority communities.

representatives through general constituencies. We see no reason for continuing this system. The grounds which call for reservation of seats in the case of religious and racial minorities like Muslims, Indian Christians and Europeans are absent in the case of these communities, as they are divided neither by religion, culture nor language from the general body of the Hindu population, but actually form part of it. As the authors of the Montagu-Chelmsford report point out (Para 232) "any general extension of the communal system would only encourage still further demands and would be fatal to that development of representation upon the national basis on which alone the system of responsible government can possibly be rooted." The Seal Committee, who recommended the present system, regarded it as only a temporary measure liable to be abandoned whenever any community might "choose to share in the collective life" and "restore itself by a supreme act of acceptance and faith to communion in the catholic life of the body politic." But it seems to us to be quite contrary to human nature to expect any voluntary surrender by a community of what it may perhaps regard as a privilege. We may add that this is almost the only instance where we have recommended the removal of an existing concession. Our justification is that the larger interests of the country as a whole and even of the communities themselves demand it.

It is suggested by Mr. P. Subbarama Chetty that ten seats may be reserved for Hindu sub-communities to be filled by election by recognised associations of those communities. It is also proposed by Mr. D. H. Chandrasekharaiya and two others that, for the time being, twenty seats may be reserved for Hindu minority communities with a population of 20,000 or above, or for communities with a smaller population which may be recognised by the Government for special reasons. Neither of these proposals met with the approval of the other members of the Committee.

Method of election to reserved seats: joint *vs.* separate electorates.

156. The method of filling the seats reserved for the minority communities has evoked in India a more bitter controversy than the system of reservation of seats. It is urged by the communities in whose favour such reservation is made, that the seats reserved to them should be filled by persons truly representative of the communities

concerned, and that such representatives should therefore be elected through electorates consisting exclusively of the voters of the respective communities. They apprehend that a member returned from a joint electorate comprising the voters of other communities also would be more concerned to keep the favour of the voters of other communities than to represent the community to which he belonged. This claim was conceded to Muslims in British India under the Minto-Morley Reforms, and though deplored since then by committee after committee, as retarding the growth of a sense of common citizenship, it has been further extended to Europeans, Anglo-Indians, and Indian Christians, and also to the Sikhs in the Punjab; and such communal electorates have become an accepted feature in the Indian Constitution for the time being.

Opinion of the authors of the Montagu-Chelmsford report.

157. The authors of the Montagu-Chelmsford report who were faced with this problem declared that communal electorates were opposed to the teaching of history and that they perpetuated class divisions. They observed (Para 229): "Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur." They further opined that such representation would stereotype the existing relations and stated (Para 230): "A minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground which it has lost compared with the stronger majority. On the other hand, the latter will be tempted to feel that they have done all they need do for their weaker fellow-countrymen, and that they are free to use their power for their own purposes. The give and take which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself. The communal system stereotypes existing relations." They condemned such electorates as "a very serious hindrance to the development of the self-governing principle."

System in force in British India.

158. A decade later, the problem once again confronted the Simon Commission who, seeing that there was

no prospect of agreement between the two communities—the Hindus and the Muslims—themselves, were obliged to recommend the continuance of separate communal electorates. The Commission contented themselves by expressing the hope that the Round Table Conference, which was to be held in London shortly after the publication of their Report, would furnish a new opportunity for reaching a settlement. But as already pointed out, the failure of the communities concerned to arrive at a satisfactory solution at the Round Table Conference and their insistence on separate electorates led to the Communal Award and its later embodiment in the Government of India Act, 1935.

Views of the Muslim community in Mysore.

159. The trend of events in British India has not been without its influence on the Muslims in Mysore. The Muslim witnesses who have appeared before us, as well as members of the community who have sent in their memoranda, are almost unanimous in asking for separate electorates. It is argued by them that such electorates are the natural outcome of a system of reserved seats for Muslims, for the benefits which such reservation is intended to secure would be greatly diluted if the seats are filled in not by communities for whom they are reserved, but by an electorate including members of other communities as well. It is further urged that the present system of "facultative" representation under which Muslim representatives are returned to the Representative Assembly is nothing less than a system of separate electorates, as membership of associations is exclusively confined to the community. The reservation of seats, in their opinion, is by itself only a half-hearted concession, and the community will not be fully satisfied unless separate electorates are permitted to them.

Separate electorates for Muslims.

160. Our three Muslim colleagues on the Committee entirely agree with this opinion and are emphatically in favour of separate electorates. Mr. Tomlinson is also in favour of separate electorates for Muslims, but as a temporary arrangement. Mr. D. H. Chandrasekharaiya agrees with him, but considers that the arrangement should be only for four years. The majority of us, consisting of Messrs. N. S. Subba Rao, S. Hiriannaiya, P. Mahadevayya, P. Subbarama Chetty, B. S. Puttaswamy, C. Hayavadana Rao and S. C. Malliah, are generally in favour of a system

of joint electorates. We feel that communal electorates would practically break up that close unity of interests between the Hindus and Muslims which has been a happy characteristic of the relations between the two communities in Mysore and would retard the growth of a sense of common citizenship. We suggest that if joint electorates on the whole are unacceptable to the Muslims, some form of it might as a compromise be adopted at least in selected areas, *e.g.*, the cities of Bangalore, Kolar Gold Field Sanitary Board area and Mysore, with the safeguard that the candidate who is chosen therein must get at least a certain percentage of Muslim votes. Such a scheme would in our opinion serve as a check on separatist tendencies in those areas and, if experience should justify it, would also be a beginning towards a possible combination in the other constituencies as well in course of time. We do not, however, wish to suggest that such a system, if unacceptable to the community, should be forced upon it but would leave the final say in the matter to the choice of the community itself so as to inspire confidence.

Messrs. M. C. Rangiengar, D. V. Gundappa, T. Ramachandra, Bhupalam Chandrasekhara Setty and C. Narasimhaiya are of opinion that, whatever may be the views of the Muslim community on this matter, there should be some form of joint electorates, and that separate electorates should in no circumstances be recognised. They point out that the majority of the Seal Committee had opposed the system of communal electorates, and that on their recommendation joint electorates have been in force in Mysore all these days, and that it would be a retrograde step now to introduce separate electorates.

Views of the Indian Christian community in Mysore.

161. The Indian Christian community is by no means agreed on the point whether the electorate for the seats reserved for it is to be joint or separate. The memoranda received by us from associations and individual members of the community and the witnesses of the community who appeared before us are divided on the point. One association has indeed sent to us three memoranda at different times, each time giving expression to divergent views. It has thus not been possible for us to determine which of the two types of electorate would be acceptable to the majority of the community.

Our colleague, Rev. W. E. Tomlinson, states that he had addressed letters to a number of prominent members of the community to ascertain their views on the matter and that he has received about two dozen replies, out of which all, except about four, are in favour of separate electorates for at least a period of ten years, and that the majority of the Indian Protestant Christians at any rate are decidedly in favour of separate electorates for the present. He urges that if the Indian Christian representatives are to be chosen under a system of joint electorates it would be a practical certainty that they would not be those whom the Christians themselves would have chosen to represent them. He therefore presses that, for the present, separate electorates should be permitted to the Indian Christian community, as has been done in the case of the Muslim community. Our colleague, Dr. F. X. DeSouza states that the members of his community (Indian Catholics) whom he consulted are also in favour of separate electorates, and he would therefore press for them in his capacity as a representative of the community, though personally he is in favour of joint electorates.

Our recommendation.

162. Messrs. T. Ramachandra, Bhupalam Chandrasekhara Setty and D. V. Gundappa are opposed to separate electorates, as the All-India Christian Association has protested against the system and the views of the community in Mysore are divided. The majority of us, while in favour of joint electorates for the community, are of opinion, that the wishes of the community should be respected and that separate electorates should be given to it, as in the case of Muslims, as a transitional measure, if the majority of the community press for it.

Indirect election for Europeans.

163. Indirect election for the seats allotted to Europeans in the Representative Assembly and the Legislative Council is inevitable, for it is impossible to form a territorial constituency for them, as the population of the community is very small and is dispersed in various parts of the State. The European Association, which we are told, is likely to include all adult Europeans in the State, may therefore be recognised as the electorate for the seats assigned to the community.

Depressed Classes: the Poona Pact.

164. Separate electorates were proposed to be extended even to the Depressed Classes under the

Communal Award in British India. This evoked a vigorous protest from Mahatma Gandhi, who had consistently opposed the extension of such electorates to these classes and had given forcible expression to his views in the Minorities Committee of the Second Round Table Conference in 1931. On the publication of the Communal Award, the proposals were criticised by Mahatmaji as 'introducing an artificial division between two parts of the Hindu community', and he expressed his intention of 'fasting unto death' as a protest against them. Thereupon, negotiations were initiated between representatives of the caste Hindus and of the Depressed Classes and an agreement resulted which was embodied in the Poona Pact. According to this Pact the seats reserved for the Depressed Classes are filled "by an unusual form of double election. All members of the Depressed Classes who are registered on the general electoral roll of certain constituencies will elect a panel of four candidates belonging to their own body; and the four persons who receive the highest number of votes in this primary election will be the only candidates for election to the reserved seat.; but the candidate finally elected to the reserved seat will be elected by the general electorate, that is to say, by caste Hindus and by members of the Depressed Classes alike." (1)

Views of the Depressed Classes in Mysore.

165. The Depressed Classes in Mysore do not seem to be very enthusiastic about the merits of this scheme, nor anxious to adopt it for filling the seats reserved for them in the Representative Assembly and the Legislative Council. Mr. R. Chennigaramiah, the representative of the Depressed Classes on our Committee, strongly urged before us at first that, though he himself was personally for joint electorates, he found that some of the Harijan leaders in British India, as well as the members of the Depressed Classes themselves here in Mysore, whom he had consulted in the matter, were strongly against joint electorates even under the Poona Pact. He stressed the fact that it is very difficult for a Harijan candidate to get returned by election through joint electorates, unless he sacrificed the interests of his own community and joined some other party which was likely to catch the votes of the majority of the electors in such an electorate, and that it was, moreover,

(1) Report of the Joint Select Committee on Indian Constitutional Reform: Paras 118 and 119.

quite impossible for "an untouchable" to approach others, especially caste Hindus, and canvass their votes. He therefore urged that separate electorates should be conceded for at least two terms of the Representative Assembly and the Legislative Council and that the question should be reconsidered at the end of the period.

Scheme of joint electorate for the Depressed Classes.

166. The majority of us, however, felt that, whatever might be the views of the community on this matter, it was very desirable in the interests, not only of the community itself, but of the Hindu community at large that there should be some form of joint electorate, and that while there might be some measure of justification for conceding separate electorates in the case of Muslims, Indian Christians and Europeans, whose culture, religion and language are quite different from those of their Hindu brethren, there was no reason whatever for adopting such electorates in the case of the Depressed Classes who are neither different nor distinct from the Hindu stock; also that a system of separate electorates would not, in the circumstances, be conducive to the interests of the Depressed Classes themselves, as it would tend to a further widening of the cleavage between those Classes and caste Hindus, instead of bringing the two together into closer union. As a result of free discussion and a full consideration of the problem in all its aspects, we are happy to be able to report that certain definite proposals were made by Mr. Chenniga-ramiah, and that we have finally arrived at a unanimous settlement on this important question, which, while avoiding the evils attendant upon separate electorates, secure to the Depressed Classes the return of members as truly representative of their interests as the members elected under such an electorate.

(*a*) Special franchise.

167. We propose, in the first place, that the franchise qualifications should be lowered in the case of the Depressed Classes. As their name itself implies, the great majority of the Depressed Classes have at present neither the minimum property nor the minimum educational qualifications we have proposed. They will not, on general franchise qualifications, secure admission to the electoral rolls in numbers proportionate to their population, and will not therefore be able to exercise influence over the elections commensurate with their numbers. We therefore recommend that some form of

differential franchise should be devised for levelling up the Depressed Classes votes by enfranchising the same percentage of those Classes as that of the caste Hindus to their total population. It is not possible for us to say with any approach to accuracy what would be the total number of persons likely to be enfranchised under our proposals among caste Hindus and the Depressed Classes. In these circumstances it is not possible for us to suggest to what extent the franchise qualifications could be reduced in the case of the Depressed Classes in order to secure the desired percentage. We recommend that this question might be remitted by the Government for the consideration of the Committee which, as we suggest elsewhere, may be appointed for the delimitation of certain constituencies.

Secondly, members of the Depressed Classes may be allowed to vote jointly along with other caste Hindus in general constituencies, and to stand also as candidates in such constituencies.

Thirdly, the deposit money required from the candidates of these Classes may be reduced to Rs. 25 in view of their extreme poverty.

(*b*) Mode of election

168. In the constituencies to which the seats reserved for the Depressed Classes are assigned, both the voters of the Depressed Classes as well as the caste Hindus will vote together, but the method of election should be as follows :—

(*a*) Where only two Depressed Classes candidates contest the seat, the candidate who gets 60 per cent or more of the Depressed Classes votes polled should be declared elected, irrespective of the total votes polled in his favour, provided he gets not less than 10 per cent of the non-Depressed Classes votes for the Depressed Class candidates.

If either of the two candidates fails to secure the above percentage of the Depressed Classes votes, the candidate who gets the larger number of votes polled in his favour by all the voters (including the caste Hindus) should be declared elected.

(*b*) Where three or more candidates of the Depressed Classes contest the seat, the candidate who gets the largest number, and not less than 40 per cent, of the votes polled by the Depressed Classes, should be declared elected, provided he gets not less than 5 per cent of the non-Depressed Classes votes for Depressed Class candidates.

If two candidates secure an equal number of votes of the Depressed Classes, then the candidate who secures the larger number of total votes (including those of caste Hindus) among them should be declared elected.

If none of the candidates secures 40 per cent of the votes polled by the Depressed Classes, the candidate who gets the largest number of votes polled (including those of caste Hindus) and not less than 10 per cent of the votes polled by the Depressed Class voters should be declared elected.

Special interests.

169. We have increased the seats allotted to special interests from 20 to 28, which will be distributed as follows :—

| *Name of Interest* | *No. of seats* |
|---|---|
| University ... ... ... | 1 |
| Agriculture including Sericulture ... | 1 |
| Planting ... ... ... | 2 |
| Inamdars ... .. ... | 1 |
| Trade and Commerce .. ... | 3 |
| Industries ... ... ... | 2 |
| Women ... ... ... | 11 |
| Labour ... ... ... | 5 |
| Co-operation and Banking ... ... | 1 |
| Gold Mining ... ... ... | 1 |
| Total ... | 28 |

The general grounds for such increase will be dealt with in connection with the Legislative Council. For the Representative Assembly, it will be seen that, under our distribution, no seat is allotted to the Legal Interest which has now got one seat. Such separate representation does not seem to us to be called for in the case of the profession, as the Assembly always contains a fairly large number of lawyers elected through the general constituencies. Agriculture and Sericulture which have at present one seat each, may be grouped together and given a single seat. Of the two seats given to Planting, one seat each may be given to European Planting and Indian Planting in view of the importance of the interests concerned. We have increased the representation of Trade and Commerce by one and of Labour by three and have allotted two seats to Industries, as it appears to us essential to provide for the adequate representation of these interests, in view of the large expansion of trade and commerce and the development of industries which the country is witnessing.

The proposal of Mr. D. V. Gundappa to give two seats to the Mysore University, as also the proposal of Mr. Bhupalam Chandrasekhara Setty to reserve one seat for the Legal Interest and to give one of the two planting seats to Indian and European Coffee Planters and the other to other planting interests were not approved by the Committee.

Reservation of seats for women.

170. The necessity for reserving a certain number of seats for women in the circumstances which Mysore shares with the rest of India is generally recognised. The number of seats now reserved for women is 4 which could hardly be regarded as adequate. We recommend that this number might be increased to 11, with liberty to contest additional seats in the general constituencies, as in British India. In British India the percentage of the seats in the provincial legislatures reserved for women varies from 2 to 5 in the several Provinces, while under the distribution proposed by us the number of seats given to them would be about 3·5 per cent, which can by no means be regarded as unreasonable in the circumstances. We further propose that out of the seats thus allotted one seat each may be reserved for Depressed Classes women and Muslim women. Our colleague, Sri K. D. Rukminiamma considers that there should be no communal distribution in respect of the seats reserved for women and that, if seats are to be specially reserved for women belonging to the Depressed Classes or the Muslim community, they should not be allotted out of the 11 seats proposed to be reserved for women, but that the number should be increased by two.

Method of election for women's seats.

171. A system of indirect election has been suggested by some of the members in connection with women's seats, on the ground that territorial constituencies would put too great a strain on the candidates, if they have to canvass an entire district or an entire city. It is therefore proposed by the lady member of the Committee, Sri K. D. Rukminiamma, and by Messrs. C. Narasimhaiya, Bhupalam Chandrasekhara Setty and D. V. Gundappa that at least for a term of years the women's representative for each district might be elected by recognised women's associations in that district.

The majority of us, however, are not in favour of indirect election. We think that it would practically exclude

women living in rural areas from getting representation, for women's associations are generally to be found in the cities and the larger towns, where they are for the most part confined either to educated women or women belonging to the rich or upper middle classes capable of paying a prescribed subscription. We would therefore propose that the seats allotted to women should in all cases be filled by direct election through territorial constituencies, rural and urban, specially created for the purpose consisting of women voters alone.

We are aware that in British India the electorate for the women's seats is composed of both men and women voters. The seats reserved for women there are assigned to special territorial constituencies, the electorate in such an area being the electors belonging to that area, both men and women, the voters in those areas having two votes, one in the general constituency and the other for a woman candidate. But in the opinion of the majority of us the social difficulties in Mysore standing in the way of the adoption of a composite electorate of this kind are formidable, and may well deter the best qualified women candidates from standing for election in such a constituency. We are therefore constrained to recommend that the electorate for the women's seats should consist of women alone.

The cities of Bangalore and Mysore may be formed into a single constituency for the one seat reserved for Muslim women. Similarly the two cities will serve as a single constituency for the seat reserved for Harijan women.

Delimitation of constituencies.

172. The electorate for the seat allotted to the University in the Representative Assembly as well as in the Legislative Council may, as at present, consist of the members of the Senate and the registered graduates of the Mysore University. Excepting in this case and that of seats reserved for women other than those allotted for Harijan and Muslim women, it has not been possible for us to submit proposals for delimiting the constituencies for the seats reserved in other cases, *e.g.*, the Christians, the Depressed Classes and special interests in both Houses. We are of opinion that the task of delimitation of these constituencies would require detailed consideration by a smaller Committee than ours, a Committee in which the

communities and interests are adequately represented, and we would suggest that, if the proposal commends itself to the Government, the task may be entrusted by them to a special Committee appointed for the purpose.

The President, etc., of the Assembly.

173. The Dewan is now the President of the Assembly, and the Members of Council are *ex-officio* Vice-Presidents. In view of the fact that one of the principal functions of the Assembly is to serve as a forum for the making of representations to the Government and obtaining direct redress regarding the wants and grievances of the people, we consider it only appropriate (Messrs. Bhupalam Chandrasekhara Setty and D. V. Gundappa dissenting) that the Dewan and the Ministers should continue to be respectively the President and Vice-Presidents of the Assembly in future also. A non-official President, being merely an officer of the House and having no connection with the administration, would not be in the same advantageous position to deal with representations as the members of the administration.

Term of the two Houses.

174. A majority of eight of us are in favour of raising the term of the two Houses from three to four years, in view of the enlarged electorate proposed by us and the dislocation that would be caused by elections at shorter intervals. A minority of seven would like to maintain the existing period of three years.

In any case, we would suggest that some device, such as the extension of the life of one of the Houses by one year, for the first term, may be adopted to prevent the simultaneous dissolution of both the Representative Assembly and the Legislative Council, which we consider undesirable.

Length of sessions and order of business.

175. The Assembly now meets twice a year, and it is provided that the maximum duration of the session should not exceed a period of eight sitting days in the Dasara session and six sitting days in the Budget session. It is, however, open to the President to extend the term of any session for the completion of Government business. It has been represented to us that sufficient time is not being allotted at present to non-official business, *viz.*, representations and resolutions, and that most of the resolutions and representations now sent up do not come

up for discussion at all, but lapse for want of time. There is much force in this contention. A suggestion by Mr. D. V. Gundappa that the Representative Assembly should meet thrice a year did not find favour with the majority of the Committee. We think that while the Assembly may continue to meet ordinarily twice a year as at present, it is desirable that more time should be allotted for the transaction of non-official business and that every attempt should be made to go through all the representations and as many of the resolutions as possible. We suggest the following order and arrangement of business :—

| | |
|---|---|
| Dasara Session— | |
| Address of the Dewan-President and Questions and Government business ... ... | 2 days. |
| Representations (not more than)... ... | 7 ,, |
| Resolutions do ... ... | 5 ,, |
| Total ... | 14 days. |
| Budget Session— | |
| Dewan's Address, Questions and Government business ... . . ... | 1 day. |
| General discussion on the budget (not more than) ... ... ... | 2 days. |
| Resolutions on the budget (not more than) ... | 2 ,, |
| Representations do ... | 3 ,, |
| Other resolutions do ... | 2 ,, |
| Total ... | 10 days. |

Allowances to members.

176. The present system of payment to the members of both the Representative Assembly and the Legislative Council of travelling allowance and daily allowance for the days of attendance at the meetings of these bodies may be continued, the rate of travelling allowance being the same as at present. The daily allowance, however, may be fixed at a uniform rate of Rs. 10 per day for the members of the Legislative Council as well as for those of the Representative Assembly, in view of the expensiveness of Mysore during the Assembly session. The system of providing free quarters for the members of the Representative Assembly and free lunch to the members of both the Legislative Council and the Representative Assembly may be done away with, facilities being provided for quarters and satisfactory catering arrangements made for the supply of lunch on payment.

## SECTION II—The Legislative Council.

Its powers: legislation.

177. The position which the Legislative Council would occupy under our proposals has already been indicated to some extent in the course of the recommendations we have made in respect of the powers of the Representative Assembly regarding legislation. We have suggested there that all bills should, in the first instance, be placed before the Assembly. Subject to this provision, the Council will continue to exercise its powers as heretofore. When any bill is introduced into the Council, it will pass through the several stages of the process of legislation, *viz.*, the three readings and reference to a select committee. The Council will be free to consider the bill in detail in the light of the modifications suggested by the Representative Assembly, which it would however be free to accept or reject. After passing through the Council, the bill will be submitted to His Highness the Maharaja for his assent along with a statement embodying the modifications suggested by the Representative Assembly; and after receiving his assent, it shall have the force of law.

Excluded subjects.

178. We have considered the possibility of enlarging the powers of the Council, by bringing within its purview any or all of the items which are now excluded from its legislative or financial jurisdiction, or by eliminating the powers now vested in the Government of restoration of rejected or reduced demands, or of authorising expenditure in cases of emergency. We have come to the conclusion that neither of them is practicable at present. The reasons which appear to us to make it necessary to maintain the present lists of excluded subjects and excluded heads of expenditure, other than that relating to the Military Forces of His Highness the Maharaja, have been set out in an earlier section of this Report. As we have stated there, the passing of resolutions and the voting of expenditure, as also discussions on the excluded subjects, will be outside the purview of the Council; provided that, as proposed by the majority of us, an exception is made in the case of expenditure on the Military Forces of His Highness the Maharaja (excepting Palace Troops) in respect of which the Council will have the right to discuss it, though it will not have the right to pass resolutions or vote on it. The legislation required in the field of the excluded subjects will be framed by the Government as at present, and will come

into force on receiving the assent of His Highness the Maharaja.

Mr. Bhupalam Chandrasekhara Setty thinks that there should be no excluded subjects at all, and Mr. D. H. Chandrasekharaiya agrees with him excepting as regards the first item, *viz*, the Ruling Family of Mysore.

Finance.

179. At present all proposals for appropriation of revenue and other monies, excepting those pertaining to the excluded heads, are to be submitted to the Council in the form of demands for grants, and the Council has the right to assent to, or reduce, or to refuse assent to, any demand. The vote of the Council is decisive, subject to the two usual qualifications. First, the Government shall have power in relation to any demand rejected or reduced by the Council to act as if it had been assented to, notwithstanding such rejection or reduction, if they consider that the expenditure provided in the demand is necessary for the carrying on of any department or for the discharge of the Government's responsibility. Secondly, the Government may authorise, in cases of emergency, such expenditure as may, in their opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of the Government's responsibility.

Restoration of rejected or reduced demands.

180. The power of restoring rejected demands might be out of place in a system of full responsible government on party lines, as the circumstances necessitating their exercise would be met by a change of the ministry. But where there is no full responsible government such reserve powers are essential for the Government to carry on the administration, as in their absence the administrative machinery could at any time be brought to a standstill by a capricious or factious vote of the Council.

The powers of restoration are at present being exercised by the Government. As "Government" is an impersonal body, we consider it more proper that the power should be vested in the highest administrative authority in the State, *viz.*, the Dewan, on the analogy of the practice in British India, where a similar power is exercised by the Governor-General or the Governor as the case may be. We are also of opinion that there should be a formal certification that the restoration of the rejected or reduced

demand is necessary for the carrying on of the administration or for the discharge of the Government's responsibility. There was a suggestion in the Committee that the certification of rejected demands should be made by His Highness and not by the Dewan. The majority of the Committee are, however, of the opinion that it is undesirable, for obvious reasons, to throw on His Highness the responsibility for ordinary acts of administration of this type. They consider that, except in matters like the issuing of Royal Proclamations, the giving of assent to legislative measures and the enactment of emergent legislation, the name of His Highness should be kept out of current politics as far as possible. The present rules of business of the Executive Council which, we presume, will apply *mutatis mutandis* to the future Cabinet, require that all matters of importance, which are called "scheduled subjects," to whichever Minister's portfolio they may belong, should go before the whole Council, and that its views thereon should be submitted to His Highness. It is only after His Highness's approval is obtained that orders are issued in the name of the Government in regard to these matters. As the question of certification of demands is a matter of more than ordinary importance, it will necessarily form a "scheduled subject," and the certification, although made by the Dewan, would, we presume, be done only with the previous approval of the Maharaja.

Composition of the Council.

181. The main criticism against the present Legislative Council is based not so much on the inadequacy of its powers, as on its composition. The strength of the Council is 50, of whom 21 are elected, while the remaining 29 are nominated by the Government. Though the Council is vested with full powers, yet in actual working such powers could hardly be exercised in accordance with the wishes of the representatives of the people, as the composition of the House is such as to keep the elected representatives always in a minority. We think that the time has come when the Legislative Council should be made an effective democratic instrument by giving it a decisive elected majority. After a full consideration of the several alternative proposals made by our colleagues, we suggest that the strength of the Council may be fixed at 68 composed as shown below. In proposing this strength, we have not taken the Civil and Military Station of Bangalore into

account. When the retrocession of the Civil and Military Station, which is understood to be under contemplation, comes into effect, it will become necessary suitably to increase the strength of the Council, so as to provide for adequate representation therein to all communities and interests in that area. We suggest the following composition:—

I. ELECTED.

| | | | |
|---|---|---|---|
| (*a*) *General Constituencies*:— | | | |
| Districts of Bangalore, Mysore, Kolar and Tumkur; three each | | ... | 12 |
| Districts of Hassan, Kadur, Shimoga, Chitaldrug and Mandya; two each | | ... | 10 |
| Cities of Bangalore and Mysore; one each | | ... | 2 |
| | Total | ... | 24 |
| (*b*) *Minorities*:— | | | |
| Muslims | 4 | | |
| Depressed Classes | 4 | | |
| Indian Christians | 1 | | |
| Europeans | 1 | | |
| | | ... | 10 |
| (*c*) *Special Interests*:— | | | |
| University | 1 | | |
| Trade and Commerce | 1 | | |
| Mining | 1 | | |
| Other Industries | 1 | | |
| Planting:— | | | |
| (*a*) Indian | 1 | | |
| (*b*) European | 1 | | |
| Labour | 2 | | |
| Women | 2 | | |
| | | ... | 10 |
| | Total elected seats | ... | 44 |

II. NOMINATED.

| | | | |
|---|---|---|---|
| Officials | 16 | | |
| Non-officials | 8 | ... | 24 |
| | Total | ... | 68 |

General territorial constituencies.

182. We are proposing an increase in the strength of the Legislative Council from 50 to 68, of whom 44 will be elected members and 24 nominated. Out of the elected members, 24 will be returned by general territorial constituencies. At present each of the eight districts is returning 2 members, no differentiation being made between the several districts either on the ground of population or of importance. In future there will be nine districts, and we think it would be proper to make some differentiation on the basis of population. Under our scheme, the districts of Bangalore, Mysore (New), Kolar and Tumkur which have each a population exceeding eight lakhs will have 3 seats each, and the remaining five districts including Mandya, 2 seats each. The cities of Bangalore and Mysore will have 1 seat each as at present.

Each district will be a multi-member constituency, returning two or three members as the case may be.

Messrs. Bhupalam Chandrasekhara Setty, S. C. Malliah, D. H. Chandrasekharaiya and Mahomed Imam consider that each district should have three seats irrespective of its population. But the majority of us do not favour the proposal.

Seats for minority communities.

183. We propose to increase the representation for Muslims and the Depressed Classes to 4 seats each. The Indian Christians and Europeans will have 1 seat each. We would recommend that, excepting in the case of Europeans, the representatives for these seats should be directly elected by suitable territorial constituencies to be formed.

The reserved seats for the Muslims may be distribu ed as follows:—

| | | |
|---|---|---|
| Bangalore City, Bangalore District | ... | 1 seat. |
| Kolar and Tumkur | ... | 1 „ |
| Chitaldrug, Shimoga and Kadur | ... | 1 „ |
| Mysore City, Mysore District, Hassan and Mandya | ... | 1 „ |

Our colleague Mr. Mahomed Imam is of opinion that unless more seats are allotted to Muslims in the Legislative Council, it is not possible to delimit the Muslim constituencies.

In this connection, we have considered the question as to whether Anglo-Indians as a community should be given separate representation in the Legislative Council. The population of Anglo-Indians in the State, excluding the Civil and Military Station, is at best under 2,000, and we do not consider that in the existing circumstances, there is any necessity for allowing them an elected representative. When the retrocession of the Civil and Military Station comes into effect the population of Anglo-Indians within the limits of the State will be greatly increased and adequate representation for them will be a necessity. This, we are sure, will receive the attention of the Government at the proper time. At present, we think the Government may, if necessary, nominate a member of the community to one of the seats provided for by us for nominated non-officials.

Special interests.

184. The modern tendency in constitutional development is to give greater recognition to economic interests in the formation of electorates. It has been felt, especially in India, that there is a danger of local and communal interests being kept in the foreground in the elections from territorial constituencies. It is hoped that larger representation on vocational and economic basis may go a long way towards securing representatives who stand for more direct and substantial interests. At present, only four special interests have been recognised for purposes of representation in the Legislative Council, *viz.*, the Mysore University, Trade and Commerce, Planting, and Labour, which have been given one seat each. Under our proposals Planting and Labour will be given two seats each and the University, Trade and Commerce will have one each as before. In addition, we propose that Women should be given two seats and Mining and other Industries one each. The number of seats for special interests will thus be raised from four to ten. We would recommend that all these seats should be made available for election.

Nominated seats : non-officials.

185. We consider it essential for the Government to nominate some non-officials so as to enable them not merely to give representation to important interests which might otherwise go unrepresented, but also to secure the co-operation of men of experience and eminence, as well as of experts with special knowledge, whose presence

in the Council would be of great advantage. This measure of nomination, while it will add to the weight of the deliberations of the Council, will not checkmate or defeat the will of the elected element.

Officials.

186. The presence of officials in the Council, for some time to come, necessarily follows from the recognition of the fact that the political conditions of the country do not warrant the immediate establishment of responsible government on party lines. We are proposing a composite executive, as a transitional measure, and this has inevitably to find its reflection in the composition of the Legislative Council also. The number of officials will however be kept at the lowest possible limits. We do not look upon the number of nominated officials and non-officials proposed by us as a fixed minimum, but rather a maximum which is not to be exceeded. We expect that in the progress towards the goal of responsible government, it should be possible to reduce the number of nominated members—particularly the officials—at every stage.

Our colleague Mr. Bhupalam Chandrasekhara Setty is not in favour of having any nominated member at all, whether official or non-official.

The relative strength of the elected and nominated members will be 44 and 24 respectively, while the relative strength of the non-official and the official *blocs* will be 52 (including the 8 nominated members) and 16 respectively. The balance of effective power will thus be largely shifted on to the elected representatives of the people.

President and Deputy President of the House.

187. The Dewan is now the *ex-officio* President of the Legislative Council, and the Members of the Executive Council are *ex-officio* Vice-Presidents. We think that it is now high time to give the Legislative Council the privilege of having its own President outside the Executive to preside over its deliberations and regulate its business. We propose therefore that the Council should in future have a non-official President elected by the House itself, subject to the approval of His Highness the Maharaja. But as the conduct of business in a deliberative Assembly is a task which requires experience, we

would recommend that, for the first term, the President may be nominated by His Highness the Maharaja. Our colleague, Mr. Mahomed Hanief, is however of opinion that the President should be elected from the very beginning.

The Council may also be allowed to have an elected Deputy President whose appointment will also be subject to the approval of His Highness. He will preside over the deliberations in the absence of the President. A panel of four Chairmen may further be selected by the President from among the members of the House to preside over the deliberations of the Council in the absence of both the President and the Deputy-President.

Emoluments of the President and Deputy President.

188. The emoluments of the President for the first term, during which he will be appointed by His Highness, may be fixed by His Highness. But later, when the President is elected by the Legislative Council, his emoluments will naturally have to be fixed by the Council itself. He may be given the rank and status of a Minister. The salary of the Deputy President may, from the start, be fixed by the Council.

Removal of President and Deputy President.

189. The nominated President will hold office during the pleasure of His Highness the Maharaja. The term of office of the elected President and the Deputy President will be conterminous with that of the Council. They will, however, be removable by His Highness on the submission to him of a resolution of no-confidence passed by a majority of not less than two-thirds of the total strength of the House. As a safeguard, however, against hasty or frivolous motions in this behalf being brought in the House, it may be provided (i) that 15 days' previous notice should be given by a member of a proposal to bring a motion of no-confidence against the President or the Deputy President, and (ii) that such a proposal should have the support of at least 15 members before discussion on it is permitted.

Secretary and staff.

190. The Council should be provided with a Secretary and a staff adequate to the conduct of the work. These will form part of the Government Secretariat Staff, but they should work in subordination to and be subject to the control of the President, who should also have an effective

voice in the selection and appointment of the Secretary as well as of the staff.

Sessions of the Houses, etc.

191. The Council meets at present ordinarily twice a year and in some years there have been three sessions. There is, however, no statutory provision fixing the minimum number of times that it should meet in a year. This may be remedied by providing that there should be not less than two sessions every year.

As regards the term of the House and the allowances payable to its members, we have already made our proposals in the course of our recommendations with regard to the Representative Assembly.

## SECTION III—The Executive.

The beginnings of the Executive Council.

192. At the time of the Rendition, the necessity for assuring the people of Mysore of the continuity of the good administration to which they had become used in the days of the British Commission, was recognised and a new experiment tried in the government of an Indian State. Although the chief executive authority and ultimate governmental responsibility would rest in all cases, actually as well as nominally, with the Ruler, it was sought for the first time to temper the system of personal rule by providing that all important acts and orders should be subject to certain departmental formalities and undergo a regular process of examination and joint consultation before issue in the Ruler's name. Accordingly a Council was constituted over which the Maharaja was ordinarily to preside. The duties and responsibilities of the Dewan and the Councillors were defined, and it was provided that a large part of the current business should be disposed of by them. For this purpose, it was considered essential to give them a voice in all important deliberations, and the right to place on record their views regarding important matters affecting the administration of the country, although no independent status or authority would thereby be conferred on them. In actual working, however, the Council appears to have failed to act as a corporate body and to assume that position in the administration which it was intended to occupy. Its position before the demise of the late Maharaja in 1894 was described by the Dewan,

Sir K. Seshadri Iyer, as follows:—" The Dewan was responsible to the Maharaja for the executive administration of the country; and the Dewan and the Councillors were jointly responsible to the Maharaja for the advice they tendered in regard to the general measures of administration specified in the rules of July, 1881, and the Councillors were responsible to the Dewan and the latter to the Maharaja for the proper discharge of the administrative duties delegated by the Dewan to the Councillors."

Evolution of the Council.

193. At the time of the Regency, the Government of India deemed it expedient that the Council should take an active and not merely a nominal share in the business of the State. Arrangements were accordingly made to confer greater authority and jurisdiction on the Council. This new constitution was in operation for a period of eight years, 1895-1902. Even this Council does not appear to have functioned as satisfactorily as might have been desired, and it was considered at the time that an undue share of authority had passed into the hands of the Dewan. In the opinion of Lord Curzon, such a state of things did not betoken a healthy future, and he considered that the Maharaja ought to be the actual ruler and master in his own house. So when the present Maharaja assumed power, the Council resumed its old character of being a consultative body, although care was taken to maintain its efficiency in co-operating with the Dewan, as well as serving as a sort of check upon his actions. The list of scheduled matters which were to engage the attention of the Council was revised. While the Dewan was to be responsible to the Maharaja for the efficient conduct of the administration in various branches and to be the channel of communication with His Highness in all matters of State business, continued knowledge and interest in the working of the various departments of the State was ensured by entrusting the Councillors also with specific portfolios.

Its constitutional status.

194. With the inauguration of this Council, a new epoch in executive administration was started in Mysore, which has continued down to the present day. The position of the Council has been elucidated by the Seal Committee. The Dewan and Councillors act as constitutional advisers to the Ruler, and initiate, organise and direct policy, but are not centres of independent

delegated sovereign authority. They are members *ex-officio* of the Legislature, and form a Ministry responsible to the Head, and not liable to be turned out by a vote of the Legislature. The Committee cited Switzerland and the United States as instances of advanced democratic constitutions, where the executive was not removable as under the British type of responsible government. This irremovability of the executive was considered a necessity in the peculiar circumstances of the country. As the Committee put it (Para 29): "Indeed, in the absence (or breakdown) of the party system and on the emergence of shifting or loosely co-ordinated groups in the legislature, this will be seen to be a constitutional necessity in the interests of the strength and stability of the administration."

The Seal Committee's suggestions regarding the direction of growth.

195. Regarding the composition of the Council, the Seal Committee considered that there was nothing to restrict the Ruler's choice to the members of the permanent services. In fact, they considered that a non-official with a large experience of public affairs, especially one chosen by the Head for his assured hold on the affections of the people would, in the Executive Council, "contribute to strengthen that living harmony between the administration and the people which is of no less vital import than the conformity of the Executive to the Legislature which it is the object of constitutional machinery to secure." (Para 30) They also deemed it essential that a Minister so nominated, whether he be with or without portfolio, should take his seat on the legislature *ex-officio*, and, so long as he was in office, cease to represent any particular constituency in either of the two Houses. "He would represent the people at large unofficially, and not through the constitutional media or Houses or electorates." The Committee were definitely opposed to the appointment of a Councillor elected by the people's representatives or selected out of a panel nominated by them, as they thought that it would be virtually introducing dyarchy—a system which was alien to the reforms then under contemplation.

Effect was not given to the suggestion made by the Seal Committee. It is, therefore, for us to reconsider the whole position in the light of experience gained in Mysore and outside, and to judge what further advance is feasible in the present circumstances. Full

responsible government, not being—as we have already stressed sufficiently—an immediate possibility, three alternatives have been suggested for our consideration.

The Swiss model.

196. The first alternative is that there may be an irremovable executive, on the Swiss model, where the ministry need not resign on an adverse vote defeating its policy or measures, but as a matter of course conform to the wishes of the people constitutionally ascertained. There was, in fact, a hint to this effect in the Seal Committee's report. The Swiss Federal Government, however, exercises very limited functions and deals only with foreign policy, communications, customs and the like, and the day-to-day administration is carried on solely by the Governments of the constituent units. Whatever circumstances there might be in a loose and heterogenous Federation like Switzerland, favourable to the working of such a system, we are convinced that it is altogether unsuited for a unitary State with the traditions of Mysore. No doubt, a certain class of politicians has always been very much attracted by the proposal that the Executive Government should be bound to carry out the " resolutions " of the legislature. But the political experience in all advanced countries has made it clear that government by large deliberative bodies is an impossibility. The British Parliament has never regarded itself as an administrative body, and in Great Britain it has been said that "the Government does, in truth, govern, and the function of Parliament is first to register its decisions, secondly to serve as an outlet for an individual and collective grievance, and thirdly to warn the Government when it is becoming unpopular." The authors of the Montagu-Chelmsford report have observed (paragraphs 168 and 169) that "the method of attempting to control the executive by direct orders on points of detail is wrong in principle" and "not in accordance with modern English constitutional practice;" that even in England there is no sanction for the enforcement of resolutions other than the general powers of control enjoyed by the House; and that the House could make its resolutions effective only by withdrawing its confidence from the executive. They point out that with an irremovable executive there is no such sanction possible and conclude by saying " we should in any case therefore

hesitate to approve a proposal which has not to our knowledge been applied elsewhere, which it is difficult to find a method of enforcing, and which involves abrupt interference with the details of administration by a body that acts without due knowledge, is not charged with the duty of carrying out what it dictates, and cannot be held responsible for a wrong decision." We are in entire agreement with these observations.

Dyarchy.

197. Another alternative is some form of dyarchy, with a dual executive partly responsible and partly irresponsible and the division of subjects into reserved and transferred. It has been said that, in the conditions obtaining in the Indian States, so long as reservations are necessary in order to provide for the satisfactory discharge of the Ruler's responsibilities to the Paramount Power, dyarchy of some type is inevitable for all time, and that there is no alternative to it, if the legitimate aspirations of the people for a share in Government are to be satisfied. It is urged on behalf of dyarchy that, notwithstanding its admitted defects, it has helped to train people in parliamentary forms and usages and to fit them for full responsible government, and that the States could take a lesson from the working of dyarchy in the British Provinces and eschew its defects.

Its defects.

198. We may say at the outset that dyarchy is not wanted by any considerable body of opinion in the State. Whatever might be said of dyarchy or the degree of success that has attended its working in British India, we consider that it is not suited to the conditions of the Indian States, where the Ruler is responsible for the administration of the State and for all important acts done or decisions taken by the ministers in any department of administration—whether reserved or transferred, and where consequently the ministers or the executive councillors in charge of the several portfolios cannot have the same amount of power and freedom of action as the executive councillors or ministers might have had under the system of dyarchy in British India. Further, dyarchy is based on the assumption that it is possible to divide the field of government into mutually exclusive sections. But in practice this is found impossible. The functions of government overlap at every stage, and it is indeed a problem to think of any sphere of administration or

legislation where they do not. Above all, they interpenetrate in the ground of finance. Owing to the practical impossibility of sharply demarcating governmental activity within water-tight compartments, the theoretical division of functions and responsibility in dyarchy necessarily gives rise to a great deal of friction with consequent weakness and inefficiency in the Government. Besides, as it is admittedly a half-way house on the road to full responsible government, the anxiety will be more to hasten its end rather than to work it to its full capacity. The most serious defect underlying dyarchy is that the division of subjects into "Reserved" and "Transferred" is based on distrust of the capacity of non-official ministers to handle certain all-important departments like Law and Order, which although they have an intimate bearing on the life of the people, are withheld from popular control. The ministers under dyarchy thus start with an incurable inferiority complex. On the whole, we are convinced that the defects inherent in dyarchy are fundamental, and that the circumstances obtaining in an Indian State like ours, instead of being more favourable for its working are, on the other hand, more likely to hamper its functioning than in British India.

The third alternative.

199. The third alternative, which we favour, is that of an executive consisting of a cabinet of ministers, some of whom would be chosen from among the elected members of the legislature, and the rest either from among the officials or non-officials at the discretion of the Ruler. There would be no division of functions into "Reserved" and "Transferred", the ministers being jointly responsible for all the decisions of the Government. The ministry would be appointed by the Ruler and be primarily responsible to him and would hold office during his pleasure, but at the same time would in a large measure be answerable for their actions and policies to the legislature, although not necessarily removable on a vote of no-confidence by the legislature.

Criticism thereof.

200. It might be said that there is nothing new in the idea, and that it had been considered in British India and rejected in favour of dyarchy. But we believe that the very reasons which entailed their rejection in British India may, owing to difference in the conditions, entitle them to serious consideration in the Indian States, or for our

purpose at least in Mysore. The first and foremost objection raised against the scheme is, that with a composite cabinet of this type, there could be nothing more than a semblance of responsibility in the absence of removability on a vote of no-confidence, as at every step the executive could retreat behind its corporate responsibility, and the legislature would only be in a position to influence but not control the executive. The critics also point out that the scheme embodies a divided allegiance, although technically both the official and non-official members of the Government would be responsible to the legislature as well as to the Ruler. In the event of a material difference of opinion, if the non-official half, while agreeing with the views of the legislature, should choose to support their official colleagues, the element of responsibility to the legislature would disappear; while on the other hand, if they opposed their colleagues they would fail in their responsibility to the Ruler, and the unity of the Government would cease to exist. The official members, too, would be faced constantly with a similar dilemma. It is urged that, under an apparent unity, the scheme thus masks a dualism, and that perhaps of a worse type than dyarchy, as the two parts of the executive would have joint responsibility over the whole sphere of work, with the possibility of continuous friction and deadlocks. The other feature objected to is the presence of officials in the ministry. We shall now proceed to examine these objections.

Responsibility in actual practice.

201. Although we have already dealt with certain general implications underlying the vexed question of responsibility to the legislature, the matter requires examination from a closer and more practical standpoint. In fact the great problem of representative or democratic institutions is how to combine popular control with strong, efficient and stable government. According to the Joint Parliamentary Committee, the strength of the Executive in the United Kingdom is due to the inveterate and cherished tradition of Parliament, that the prerogatives of the Legislature are not to be jealously or factiously asserted in such a way as to prevent the King's Government from being carried on—a tradition which they said is yet unknown in India. They therefore sought to embody in the Government of India Act this "principle of executive independence" by which they meant the exclusive

responsibility of the executive for the fundamental functions of government, *viz.*, the enforcement of law and order and the maintenance of an upright administration. They held(1) that there is no greater danger to good government than to take the performance of these fundamental functions for granted, and that their performance was a responsibility which "no executive can share with any legislature, however answerable it may be to that legislature for the manner of its discharge," words which recall to mind what Gladstone once told the House of Commons:—"Your business is not to govern the country, but it is, if you think fit, to call to account those who do govern it." The Joint Parliamentary Committee considered(2) that the function of the legislature is "to vote supply, to criticise, to educate public opinion and legislate" and pointed out that "to magnify the legislature at the expense of the executive is to diminish the authority of the latter, and to weaken the sense of responsibility of both." They added: "We have no wish to underrate the legislative function; but in India the executive function is, in our judgment, of overriding importance." According to their recommendation all executive authority is vested by the Act in the Governor, who although normally acting on the advice of his ministers in the ministerial sphere, has the power to reject their advice whenever he deems it essential for the exercise of his special responsibilities or in the interests of tranquillity and good government. The Joint Parliamentary Committee, however, hoped(3) and were "willing to believe" that it might never become necessary to put the Governor's reserve of powers into action; but they thought that their existence in the background "may well prove the most effective guarantee for the development of a genuine system of responsible government."

Status of Provincial Ministers.

202. We may briefly refer here to the status of the Ministers under provincial autonomy. Regarding the selection of Ministers the Joint Parliamentary Committee recommended(4) that "the course of wisdom is to give the Governor the widest possible latitude." The Act thus provides that the Governor's Ministers are to be chosen

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1. Report of the Joint Parliamentary Committee, Para 19.
2. *Ibid*, Para 111. 3. *Ibid*, Para 114.
4. *Ibid*, Para 113.

and summoned by him and are to hold office during his pleasure, and he has to exercise those functions, including the dismissal of Ministers at his discretion, subject of course to certain directions given to him in the Instrument of Instructions. The Council of Ministers is "to aid and advise" the Governor in the exercise of his functions. It has been held that although the Ministers might be popularly referred to as "the Government," their functions are in law only advisory and that the use of the word "aid" in the Act does not legally vest the Ministers with any right to exercise authority or executive functions, which according to Section 49 of the Act shall be exercised only by the Governor "either directly or through officers subordinate to him." On the question of responsibility of the Ministers to the Legislature, the Joint Parliamentary Committee observe (Para 113): "The collective responsibility of ministers to the legislature is not a rule of law to be put into operation at discretion, but a constitutional convention which only usage and practice can define or enforce." There is accordingly no *statutory* responsibility of Ministers to the Legislature. Whatever provisions there are in this behalf, are contained in the Instrument of Instructions to the Governor.

Applicability to Myso:

203. The broad principles underlying the constitution of the provincial Executive in India, to the extent to which they are embodied in the Government of India Act, are acceptable to us. They involve the recognition, as we have seen, of a differentiation between the functions of the Legislature and the Executive, so that one may not encroach upon the sphere of the other. The supreme Executive in the Provinces is distinct from the Ministry, whose functions constitutionally are only advisory, and whose appointment is left to the discretion of the supreme Executive. The Ministry is the link between the Executive and the Legislature, and responsibility is to be achieved in an increasing measure by the growth of conventions. These principles could be applied almost straight away to Mysore. Their application would in fact be a much simpler affair, as there would be no need for a cumbrous Instrument of Instructions, seeking on the one hand to safeguard the position of the supreme Executive, and on the other to give body to the rudimentary conventions regarding the principle of popular control. An unfortunate cleavage of interests between the rulers and the ruled, to which we have

referred, has been the dominating factor in British Indian politics. In India, in the words of the Montagu-Chelmsford report, "the two sides have been divided by race, and also by differences of standpoint," which have always made any *rapprochement* difficult, if not impossible. It might well have been feared that in such circumstances, a composite cabinet (of the type we contemplate) with one half actuated by loyalty to British interests represented by the Secretary of State, and the other by the views of the Indian Legislature, would prove a hotbed of dissensions and deadlocks. But in Mysore we think that there is no ground for apprehending that the Ruler and the official members in the cabinet would pull in one direction, and the elected members in the other. Even with an Executive Council like the present, theoretically responsible only to the Ruler, the constitutional tradition has been such that the Rulers have kept their personal inclinations in the background, and have looked only to the best interests of the people, expressed in an increasingly effective manner through their accredited representatives. The introduction therefore into the Ministry of a non-official element, in intimate touch with the Legislature, cannot but prove the means of further materialising the responsibility on the part of the Government which already exists in a large measure. We foresee no particular difficulties, too, in the dual nature of the responsibility which we envisage, because of the absence of any real conflict of interests between the Ruler and the ruled. We are sure that, in the course of growth, equilibrium will establish itself at each stage, by a process of natural adjustment. We consider that responsibility to the Ruler must be a necessary feature of "responsible government under the ægis of the Ruler,"—a formula representing the extreme political demand in the State; and it would present no real problem inasmuch as it would be no imposition from outside, but would be reinforced from within by the age-long traditions of loyalty to the Person and Throne of the Ruler which every Mysorean cherishes in his inmost heart, whatever may be his political complexion. If the Joint Parliamentary Committee could hope that the Governor, with his reserve powers in the background, might prove "the most effective guarantee for the development of a genuine system of responsible government," we may, with all the more reason, base such a faith in the judgment and fostering solicitude of His Highness the Maharaja.

The Council of Ministers.

204. Our immediate problem is to devise an "Executive" (in the popular sense) which will not entail too sudden a break with the existing system, but will be flexible enough to allow for development within the constitutional framework. The purpose will be served, we believe, by a Council or Cabinet consisting of the Dewan and a certain number of Ministers to be appointed at the discretion of the Ruler, of whom not less than half the number, to start with, would be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council—one at least from each body—the rest being chosen from among officials or non-officials, whether members of either House or not.

Our colleague Mr. Bhupalam Chandrasekhara Setty does not agree in this view and urges the immediate establishment of full responsible government.

Selection of non-official Ministers.

205. We have given our most anxious consideration to the manner of selection of the non-official Ministers from among the elected members of either House. We consider it out of question that the leaders of the majority party in either House should be sent for and asked to join the Ministry, as suggested by Mr. Bhupalam Chandrasekhara Setty. We consider, that for reasons already given at great length, the present political conditions in the State do not warrant such a course. We agree, however, that the non-official Ministers selected should be persons who may be expected to enjoy the confidence of the Houses and that no room should be allowed for the suspicion that they are chosen because they are "safe" and not likely to give trouble. This is essential if the Legislature and the Ministry are to work smoothly together. One of the suggestions pressed in the Committee in this behalf by Mr. Mahomed Abbas Khan and some others was that they should be appointed from out of panels chosen by the elected members of each House, if not directly elected by the members of the Houses. But in the earlier stages it is imperative that general capacity and worth and aptitude for administrative work, if not actual experience, ought to be the primary considerations in judging fitness, rather than success in election, which may depend on other qualities, as the qualities which make a good spokesman do not necessarily make a good administrator. The majority of us are therefore convinced that for some

time to come, at least, the discretion of the Ruler to make the best selection should not be fettered in any way, by the imposition of a panel or otherwise, and he should be free to give the members of all communities an opportunity to hold the appointments.

The place of officials in the Cabinet.

206. We would not stipulate that there should be any prescribed number of officials or any officials at all in the Cabinet. But it will be conceded that when non-officials are being allowed for the first time to participate directly in the executive government, and cannot be expected to bring with them previous administrative traditions or experience, it will be very desirable, if not necessary, for some time at least to associate officials with them in the Council. The forthcoming changes will tax both the tact and ability of the Cabinet, and at such a critical time we are not prepared to deprive them of the help of official experience. It might be said that non-official Ministers may well derive this kind of help from secretaries or official subordinates. But we are afraid that such advice is not likely to be either free or independent. In order to secure these essential qualities, officials must be able to co-operate with the non-official Ministers on a footing of equality as colleagues. We have also to take into account the effect upon the Services of excluding them at one stroke from some share in positions which they have hitherto been looking upon as within their normal range of preferment. It would, therefore, in our opinion, be a short-sighted policy to preclude their employment in the domain where, especially during a transitional period, they will be of the utmost usefulness. For these reasons we consider that for the present some of the members in the Cabinet may have to be officials. We would, however, make no difference whatever between the official and non-official Ministers, either in pay or status or eligibility to hold any portfolios. Absolutely no scope will thus be left for any inferiority complex to develop among the non-official Ministers.

Relation between the Executive and the Legislature.

207. In regard to the nature of the relationship between the Legislature and the Executive, and the mode by which the Legislature could control or influence the Executive, two proposals were considered by the Committee. The first was that provision should be made for a vote of no-confidence being proposed against the Ministry, and for

the Ministry being made removable on such a vote. This was pressed by Mr. D. H. Chandrasekharaiya. The suggestion, however, did not find favour with the majority of the Committee, who are of opinion that a direct vote of no-confidence is an incident of full responsible government on party lines which is not suited to the present conditions in the State. We consider that a Cabinet composed in the manner proposed by us should not necessarily be made removable by a vote of the Legislature.

The other suggestion was put forward by Mr. D. V. Gundappa and we present it in his own words: "When the Legislature feels that things are going wrong and that a change of policy is necessary, the device that I would suggest is not a motion of no-confidence for the removal of the Ministers. I would provide for the two Houses moving separately Addresses to His Highness requesting a direction to the Ministry to change its policy. This would be a convention. When a specified majority of each of the Houses passes a resolution to the effect that the policy of the Government does not commend itself to the public and that there is a need for some change in policy, it should be construed as a vote of censure on the Ministry and it should be left to His Highness to change the Ministry either in part or in whole."

There are, however, serious practical difficulties in the way of the working of this proposal, which have to be reckoned with. If the responsibility of the Ministers should be individual it will lead to dissensions of a very undesirable type. The defects of dyarchy will be multiplied as many times as the number of the Ministers. This can only be avoided by the principle of joint responsibility and action. But when the functions of government overlap, the responsibility is inevitably diffused and cannot be fixed except on the Cabinet as a whole. In these circumstances, an Address by the two Houses directed against the policies of the whole Ministry would in no way differ from a vote of no-confidence. In fact, instead of being a half-way house, as Mr. Gundappa thinks, it would perhaps be even more pointed and specific than a vote of no-confidence, as it would be passed by a specified majority. The Ruler would either have to accept the opinion of the Houses or differ from it on his own personal responsibility and set himself

against the deliberately expressed wishes of the representatives of the people. It would thus place the Ruler in a situation of unprecedented embarrassment which it is imperative to avoid at all costs. We would not say that the Cabinet as envisaged by us should be statutorily irremovable, but we are convinced that removability of the Ministry, either in part or in whole, will have to grow up by convention. The real discretion to change it should rest with the Ruler, and his hands should not be tied down in any manner. Even in the House of Commons, the real control or influence over the Government is exercised, not merely through votes of no-confidence as such, but also in many other and not less effective ways, *e.g.*, by resolutions, by questions, by adjournment motions, and by budget debates. In fact, it has been said that the recent tendency has been to treat every question as a matter of "confidence." All these modes will be available in our constitution, and it will also be open to the Legislature to refuse to vote grants if they disapprove of the policy of the Government in general or in respect of any particular department or measure. We consider that provision may be made that all resolutions casting any reflection on the policy of the Ministry or its work and efficiency must be brought to the notice of His Highness, it being left to His Highness to decide what course of action is called for, whether to direct the Ministry to change their policy in accordance with the views of the Legislature, or to dismiss the Ministry either in part or in its entirety, or to disregard the resolution altogether if the circumstances should justify it. All these results could be achieved under our scheme without the inconvenience resulting from an Address or a vote of no-confidence.

Dr. DeSouza's views.

Our colleague, Dr. F. X. DeSouza, who was not able to attend the sittings of the Committee when Mr. Gundappa's proposal regarding Addresses to the Ruler was discussed, desires to place on record that he is in favour of some provision being made for moving such Addresses, which will have to be initiated on the requisition of a specific number of members of both Houses, and carried by a specified majority. He thinks that they would be an indication to the Ruler of the existence of grave discontent in the body politic, whereas, on the other hand, a resolution of the type contemplated by the Committee might only be a move in the game of party politics

and might be carried by a snatch vote, and as such would have little or no value as an index of the existence of deep-seated public feeling in the country. He is of opinion that such a procedure, by failing to bind the Ministry, would miss the goal of the political aspirations of the people. He feels that the provision for an Address would be a more substantial and effective step in the direction of Ministerial responsibility, than that proposed by us. In the absence of such a provision he would prefer some form of dyarchy, *e.g.*, similar to that introduced in Cochin, as he fears that in the scheme proposed by us for the Executive, there is the possibility of a deadlock in the event of an irreconcilable difference of opinion between the official and non-official members of the Cabinet.

The Cabinet.

208. We will now proceed to detail our specific proposals in regard to the composition of the Cabinet or the Executive Council. It will consist of the Dewan and not less than four Ministers appointed by the Ruler.

The Dewan.

209. The Dewan will be selected by the Ruler at his pleasure either from among officials or non-officials. A majority of eleven are of opinion that the selection for the Dewan's appointment should ordinarily be confined to Mysoreans. A minority of five, which includes the Chairman, are, however, not in favour of placing any such restriction on the choice of the Dewan by the Ruler. The majority are also of opinion that the term of the office of the Dewan should not ordinarily exceed five years.

The Dewan will be the President of the Cabinet. He will not be a member of the Legislative Council, but will have powers to attend its meetings and address it, if necessary.

The Ministers.

210. The Ministers will be *ex-officio* members of the Legislative Council. Their number which, as already stated, will be not less than four, may to start with be fixed at four. Of these not less than two should be non-officials from among the elected members of the Representative Assembly or the Legislative Council—one at least from each body selected, as already explained in the previous paragraph, by the Ruler at his pleasure. The rest will be

appointed by the Ruler from among the officials or non-officials, whether members of the Representative Assembly or the Legislative Council or otherwise. Our colleague, Mr. D. H. Chandrasekharaiya, considers that at least three of the Ministers should be non-officials.

The elected non-official members of the two Houses who are appointed as Ministers will retain their seats as elected members in the Houses. The term of office of the non-official Ministers who are members of the Houses, as well as of those appointed from outside, will, subject to the pleasure of the Maharaja, be co-extensive with the term of the Houses. The official Ministers will hold office during the pleasure of the Maharaja, provided that their term should not ordinarily exceed five years and should be subject to the provisions of the Mysore Service Regulations. Four of our colleagues (Messrs. B. S. Puttaswamy, D. H. Chandrasekharaiya and two others) are of opinion that the term of office of the non-official and official ministers should be the same and conterminous; but the majority are not in favour of the proposal.

The pay and status of non-official Ministers will be the same as those of the official Ministers. Various suggestions were put forward in the Committee, proposing salaries which ranged from Rs. 500 to Rs. 2,500. But it was generally agreed that the salaries of the Ministers may be left to be determined by the Ruler at his discretion. We would propose that the term, Minister, may be used in preference to the present designation of Member of Council, although the designation of the Dewan may continue, without being altered to Chief Minister or Prime Minister. The distribution of portfolios between the Dewan and the several Ministers will be wholly at the discretion of the Ruler; and no Minister will be disqualified from holding any portfolio on the ground of having been selected from among non-officials.

A proposal was made by Mr. Abbas Khan and supported by the other Muslim members of the Committee that it should be provided in the Constitution itself that one of the Ministers should be a Muslim, by increasing the number if necessary. Similarly it was urged by Mr. Chennigaramiah that provision should be made in the

Constitution for an Adikarnataka Minister. Neither of these proposals met with the approval of the other members of the Committee, who were of opinion that it should be left to His Highness to choose his Ministers so that they may be as representative of the several communities in the State as possible, and that the number of Ministers should not be increased merely in order to provide representation for any particular community.

## SECTION IV—The Franchise.

Extension of the franchise.

211. The progressive reduction of qualifications for the franchise in Mysore has been referred to in Chapter II. The eligibility to vote depends at present on considerations of taxation, education, and other qualifications, *e.g.*, being a retired pensioned officer of the Mysore State Troops or being a holder of a British Indian or Mysore title, all of which could be clubbed together under the designation, plural franchise. The Seal Committee were of opinion that, ultimately, all forms of plural franchise are " destined to merge in the final form, *viz.*, universal adult suffrage." In our Committee it has actually been proposed by Mr. Bhupalam Chandrasekhara Setty and Mr. R. Chennigaramiah that adult franchise should be introduced immediately. The proposal however does not commend itself to the other members of the Committee, who feel strongly that, apart from the almost insuperable practical difficulties presented by the sudden increase of the electorate from about a lakh and a half, as at present, to over thirty lakhs, the franchise should be enjoyed not as a matter of course, but should be regarded as, to some extent, a privilege. We have in this matter the support of no less a personage than Mahatma Gandhi who, in a recent statement, has explained why he has had to abandon his original advocacy of adult franchise, in favour of the view that the franchise should be based on some qualification, be it only literacy. We are generally agreed that extension of the franchise is an essential prerequisite for any measure of democratic advance; but at the same time it has to be recognised that such extension can only be made in stages, if we are to avoid the possible breakdown of the electoral machinery through sheer weight of numbers.

Differential franchise for the two Houses.

212. Before going into the details of the nature of the reduction in the franchise qualifications which we consider advisable, we wish to take up the question as to whether

there should be any difference in the franchise for the Representative Assembly and the Legislative Council, keeping in view their different functions. In this connection, the Seal Committee have pointed out that wherever there are two houses, one an originating house, and the other a revising chamber, both of popular origin, it is usual to have higher qualifications for the voter or candidate, or for both, for the upper house. It is also not unusual to have primary or direct election to the so-called lower house, and secondary or indirect election to the so-called upper house, and to have wider or larger constituencies (or more carefully grouped constituencies) for one house than for the other. With specific reference to Mysore, the Committee observed that the reasons for such difference were stronger than usual, as in their opinion, the Legislative Council and the Representative Assembly differed from each other even more widely than the two chambers of a bicameral legislature; so, they sought to provide a difference in qualifications between the voters for the Representative Assembly and those for the Legislative Council. Although the recommendations of the Seal Committee were accepted by the Government in the first instance, the differential franchise was abolished a couple of years later in response to resolutions passed in this behalf in the Representative Assembly.

Now, with the changes which we have proposed in the constitution and powers of the Representative Assembly and the Legislative Council, increasing the powers of the one, and the elected element in the other, and also in view of our recommendations in respect of the executive we think that the grounds advanced by the Seal Committee for having a differential franchise for the two Houses hold good with all the greater force. We would therefore create a difference between the voters for the two Houses, by retaining the qualifications of voters for the Legislative Council as at present, except as regards the educational qualification for women, while materially reducing the qualifications of voters to the Representative Assembly. Mr. D. H. Chandrasekharaiya, however, favours the reduction of the property qualification for the Legislative Council to the level of payment of Rs. 15 as land revenue. The question of specially reducing the property qualifications in the case of voters of the Depressed Classes has already been dealt with.

213. At present the voters in territorial constituencies for the Representative Assembly are divided into two classes—rural and urban. The proportion of these two is roughly 2 : 1 in a total of 150,000 approximately. The property qualifications of urban voters are at present, in our opinion, pitched sufficiently low, being identical with those entitling a person to a vote in municipal elections in the area forming the constituency. We considered the question of the enfranchisement of sole tenants of houses who pay a certain amount of municipal tax in urban constituencies, but we are generally not in favour of the proposal. On the whole, we do not see any necessity to enlarge this electorate further, except to the extent effected by the reduction of the educational qualification to which we shall refer later. On the other hand, we would enlarge the rural electorates substantially by reducing the qualifications based on taxation, *e.g.*, the payment of land revenue from Rs. 25 to a lower figure. Three alternative proposals were considered by the Committee, *viz.*, reducing the minimum land revenue payable by a voter to (1) Rs. 15, (2) Rs. 10, and (3) Rs. 5. The Committee by a majority of 10 members are for reducing the minimum to Rs. 10, while 7 members voted for reducing it to Rs. 15 and 4 members to Rs. 5. The payment of taxes under the Panchayet, Mines and Municipal Acts entitling a person to vote in rural areas is at present Rs. 5. We would reduce this to Rs. 4. Similarly, the *beriz* of inam villages which will qualify Inamdars to vote, may be reduced from Rs. 125 to Rs. 100. The present rules require that an Inamdar, in addition to possessing the prescribed qualifications, should also reside in the constituency. As no such residential qualification has been prescribed in respect of persons who pay land revenue or other taxes, we consider that there are no grounds for placing this additional restriction on Inamdars, and would propose that the distinction may be abolished. The effect of our proposals will be to enlarge the rural electorate for the Representative Assembly about three-fold.

Property qualifications for voters to the Representative Assembly.

214. We now come to the educational qualification. The observations of the Seal Committee in this behalf (Para 177 of their report) are very much to our point, and we shall quote the passage in extenso :—

Educational qualification for voters to the Representative Assembly.

"The Committee considered that it was not desirable *at this stage* to recognise the school-leaving certificate as qualifying for the

vote (or for candidature), irrespectively of property qualifications. At the same time, it was felt that when civic and vocational developments (and other improvements) of secondary education will have been introduced, a school-leaving certificate as the terminus of the secondary or intermediate stage should in reason confer elementary rights of a civic (or a political) franchise, rather than the Bachelor's degree, which would be caviare to the general! This is all the more desirable, because, with coming changes in the political arena, education will no longer be regarded with jealousy by the governing class as an unsettling factor, but rather with complacency as a much-needed safeguard against the universal danger of an uneducated but politically-minded proletariat."

We consider that, as anticipated by the Seal Committee, the time has now come when the educational qualification should be reduced to the possession of the S. S. L. Certificate, and we are of opinion that this should be applied to rural as well as urban constituencies. A minority of eight members of the Committee was for reducing it still further—to the Upper Primary, Lower Secondary or Middle School standard; but this view did not meet with the support of the majority.

Qualifications for women voters to the Representative Assembly and the Legislative Council.

215. In the case of women, we think that the educational qualification for voters to the Legislative Council may also be reduced to the possession of the S. S. L. Certificate, and that it may be further reduced to a pass in the Upper Primary, Middle School or Lower Secondary examination, for women voters to the Representative Assembly.

Disqualifications of voters.

216. We have next to consider the question of the disqualifications of electors. The present rules which are based on the recommendations of the Seal Committee disqualify, at the outset, any person who is not a subject of His Highness the Maharaja by birth or domicile, and who has not resided in the Mysore State for six months prior to the preparation of the electoral roll, provided that, in the case of persons possessing the required property qualifications, residence in the Civil and Military Station, Bangalore, shall not disqualify for voting. The period prescribed for domicile is at present five years. The other provisions disqualify persons under 21 years of age, or of unsound mind, undischarged insolvents, and (subject to certain reservations and provisions) dismissed officials of Government and persons convicted of certain criminal offences.

The principles on which these disqualifications are based are generally acceptable to us, and we do not consider any modifications necessary, except to some extent in respect of details. We are agreed by a majority that the period of six months prescribed for residence in the State in order to qualify a person to have his name entered in the electoral roll should be raised to one year; and that the period entitling a person to claim to be a subject of His Highness the Maharaja by domicile should be extended from five to ten years. Messrs. T. Ramachandra, D. H. Chandrasekharaiya and Mahomed Hanief object to this on the ground that as subjects of Indian States have the right of voting in British India without any limitation regarding the period of residence, there should be reciprocity in Mysore in this respect. In this connection, we may mention that our colleague, Mr. D. V. Gundappa, considers that there is a necessity for the enactment of a law of naturalisation in Mysore on the lines of the British Nationality and Status of Aliens Act and the Naturalisation Act of British India. We would commend this suggestion for the consideration of Government.

We are unanimously of opinion that the period of operation of the disqualification in the case of persons convicted of certain criminal offences, or of dismissed Government servants, which is now fixed at ten years, acts as a hardship and may well be reduced to five years. We are also generally agreed that the disqualification on the ground of a sentence or conviction for certain criminal offences should be made applicable only to such offences as involve moral turpitude, it being left to the Government to determine what is moral turpitude in any case.

We are also of opinion that the modifications which we have proposed in respect of the disqualifications of voters to the Representative Assembly should, for identical reasons, be made applicable to voters for the Legislative Council also.

Candidature.

217. The next point for our consideration is the qualifications of candidates. The qualifications for candidates for the Representative Assembly are at present identical with those for voters, with the restriction that candidates should be non-officials. The Committee

considered a proposal that the qualifications for the candidates should be higher than those for the voters. The majority of the Committee are, however, not in favour of making any difference in this behalf, except that we would propose a higher minimum age for candidates, as we consider that, with the proposed extended franchise, candidates should ordinarily be persons with at least some experience of affairs. We believe that this would be secured if the minimum age for a candidate for the Assembly is fixed at 25 years instead of 21 as at present. We are also agreed, with the exception of Mr. T. Ramachandra, that the educational qualification of a member of the Representative Assembly, in the absence of any other qualification, should be that of a graduate of a University. Mr. T. Ramachandra is, however, in favour of having in this respect also identical qualifications for candidates and voters.

Eligibility of village officers.

218. The question of the eligibility of the village officers for membership of the Representative Assembly was considered by us at some length. Under the existing rules, shanbhogs and patels are treated as non-officials for purposes of membership of the Assembly. The position of these officers is somewhat anomalous. They are not, strictly speaking, whole-time officers of the Government, as they do not receive salary, but only a *potgi* which is in the nature of a commission or honorarium; but they are still treated as public servants under the Indian Penal Code. It is urged on the one side that, in the present state of education in rural areas, village officers by reason of their close touch with the people are best qualified to put before the Government the wants and grievances of the people. On the other side it is said that, being practically Government servants, they are likely to support the Government in all matters and even to influence the opinion of the other members of the Assembly so as to suit the wishes of the local officers, and that consequently the popular side is not likely to receive proper representation. It is also pointed out that village officers themselves, as members of the Assembly, might find themselves in a very awkward situation and incur the displeasure of their superiors whenever they gave expression to views not in accordance with the policy of the Government—apart from the doubtful propriety of allowing shanbhogs and patels in the Assembly to criticise the Government, when

Government officers of a higher status were not permitted to do so.

After carefully weighing the several arguments advanced, the majority of us are of opinion that, notwithstanding the progress of education, patels and shanbhogs still continue to be among the persons best qualified to represent rural areas, wherever they command the confidence of the electors. Possessing influence among the people on the one side, and the confidence of the Government on the other, they would be in a position to discharge their duties as members of the Assembly with efficiency, which is after all what ought to count. We have also avoided, as far as possible, the deprivation of any class of people of the political privileges hitherto enjoyed by them, and we feel that we should be doing injustice to a large and useful section of the public if we disqualified Patels and Shanbhogs. We are of opinion that it would neither be in the interests of sound administration, nor would it be correct in principle, to deal with them on the same footing as full-time paid public servants, seeing that they form part and parcel of the *Barabaluti* system, the most ancient of popular rural organisations. In fact, we would go further and recommend that the privilege of eligibility to membership of the Assembly may be extended specifically to other minor village servants also, such as thotis and thalaris.

Relation of candidate to constituency.

219. One more point remains to be mentioned in connection with the question of candidature to the Representative Assembly. As the rules stand at present, every person who is a non-official and is qualified as an elector in any constituency is eligible to stand for election, subject to certain provisos. The wording of the rule leaves room for doubt as to whether a person having the necessary qualifications as an elector in any one constituency could stand as a candidate in any other constituency. Now, in the case of the Representative Assembly we consider that local knowledge and sympathy are very essential qualifications for members, if they are to serve effectively to represent the wants and grievances of the people. We are therefore of opinion that it should be made clear that a person who possesses the necessary qualifications as an elector in any constituency can stand as a candidate for election only in that constituency. The

other alternative, *viz.*, that a person who possesses the necessary property qualifications as an elector in any one constituency may stand as a candidate for election in that or any other constituency, was specifically considered by us and rejected, as was also the modified proposal that, in view of the difference in nature between rural and urban areas, it should be provided that a person who possesses the necessary qualifications as an elector in any rural constituency should be able to stand as a candidate in that or any other rural constituency, and correspondingly for the urban constituencies.

Candidates for the Legislative Council.

220. We may complete the topic of franchise by stating here the modifications we would propose with regard to the candidates for the Legislative Council. We are of opinion that in their case the minimum age may be raised from 25 to 30. We would also recommend that the amount of income-tax paid, qualifying a person as a candidate may be reduced from Rs. 100 to Rs. 50 and the *beriz* of inam villages from Rs. 250 to Rs. 100, removing the existing restriction that Inamdars should reside within the constituency. With these modifications the qualifications of candidates for the Legislative Council will remain as at present.

## SECTION V.—Privileges of the two Houses and their Members.

Privileges of legislative assemblies in general.

221. The legislative assemblies of most countries enjoy various privileges which are necessary for the support of their authority and for the proper exercise of the functions entrusted to them. Other privileges, again, are enjoyed by individual members of the legislatures, which protect their persons and secure their independence and dignity. The privileges are not necessarily incidental to the exercise of legislative functions by a house. In some countries the privileges have been specifically conferred on the legislature by the constitution, while in others, *e.g.*, in the case of the House of Commons in England, they have been acquired by virtue of ancient usage and prescription and by the law and custom of Parliament. In general, the privileges of the houses relate to the right to the exclusive cognisance of matters arising within the house, the right to provide for its own proper constitution

and working and to punish breaches of privilege. The privileges of members ordinarily comprise freedom of speech, and freedom from arrest under certain circumstances.

The recommendations of the Committee of 1936.

222. In Mysore, both the Representative Assembly and the Legislative Council already possess the power to make standing orders for the conduct of their business, subject to rules framed by the Government. But neither the members of the Representative Assembly nor of the Legislative Council possess any privileges at present. The Committee appointed by the Government in 1935 for the purpose of examining and suggesting modifications in the Representative Assembly and the Legislative Council Acts considered this question of privilege under three headings: (1) exemption from serving as jurors and assessors, (2) exemption from being arrested or detained in prison under civil process when the Representative Assembly and the Legislative Council are in session, and (3) freedom of speech subject to suitable limitations. They considered it unnecessary to grant the exemptions referred to in items (1) and (2), as the meetings of the Assembly and the Council were few and of short duration and as the exemptions were not likely to be of much practical importance. In regard to freedom of speech, however, all the members of the Committee, except one, were of the opinion that the same amount of freedom as is allowed in the Indian Legislative Assembly might be granted to the members of the Legislative Council only, the reason for such differentiation being that though freedom of speech was suitable for a compact body like the Legislative Council, it was undesirable to extend it to a big assembly like the Representative Assembly. The Government, however, did not pass orders on this question, but deferred it for later consideration.

Freedom of speech, etc.

223. We are of opinion that provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those contained in Section 71 (i) of the Government of India Act, 1935, which reads as follows:—

"Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or

any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings."

The majority of the Committee further propose that the members of the Representative Assembly and the Legislative Council should be exempted from arrest under civil process (excepting in respect of insolvency proceedings) during the sittings or any meetings of the House. Our colleague, Mr. Bhupalam Chandrasekhara Setty, suggests that no member of the Legislative Council or of the Representative Assembly should be arrested or prosecuted for any offence during the continuance of any meeting of the Houses, without the consent of the House. The rest of us are unable to agree to this suggestion, as the legislature is not ordinarily allowed to interfere, on the plea of privilege, with the course of criminal justice.

## SECTION VI.—State's Representatives to the Federal Legislature.

Election of half the State's quota of representation.

224. The State has been assigned three seats in the Federal Council and seven seats in the Federal Assembly, in the event of its accession to the proposed Federation. The method of appointment of these representatives, and their relations with the Government and the legislative bodies in the State is one of the items in our terms of reference. The considerations which we have dealt with at some length when dealing with the question of Paramountcy, and the fact that the entry into the Federation is effected by an Instrument of Accession executed by the Ruler, under which he accepts certain obligations and responsibilities, make it obvious that the representatives of the State in the Federal Legislature cannot but be treated as nominees of the Ruler. The interests of democratic advance, which we have recognised in the internal administration of the State, demand however that they should find expression also in the selection of representatives to be sent to the Federal Legislature. Several alternative proposals were made by the members—that all the members to both Houses of the Federal Legislature should be elected; that all the members to be members of the Federal Council should be nominated by the Ruler; and that some members should be elected and some nominated. After a consideration of all the

proposals, the majority of the Committee are of opinion that with regard to the Federal Assembly not less than four members may be allowed to be elected and the rest nominated by the Ruler, and with regard to the Federal Council, one may be elected and two nominated. Under this scheme, it will be observed that half the number of the State's representatives to the Federal Legislature on the whole would be elected and the remaining half nominated. We are of opinion that this would be a substantial concession to the democratic principle, which constitutionally speaking cannot be claimed as a matter of right. Election could be only a privilege conceded by the Ruler in respect of some of the representatives, and the elections in every case would necessarily have to be subject to the approval of the Ruler. We would, however, make it clear that all the representatives, whether elected or nominated, would be regarded as nominees of the Ruler.

Constituency.

225. We are not in favour of the indirect election of representatives from the Representative Assembly or the Legislative Council to either of the Federal Houses. On the other hand, we think that they should be directly elected on a territorial basis, the entire State forming a single multi-member constituency, the method of voting being that of proportional representation by means of the single transferable vote.

Messrs. D. H. Chandrasekharaiya and Chennigaramiah differ from the majority and are in favour of the representatives to the Federal Council being indirectly elected by the Representative Assembly and the Legislative Council.

Qualifications of voters.

226. We are of opinion that the qualifications of voters for the Federal Legislature, should be fixed somewhat higher than those in force for the local Legislative Council, and that the property qualification may correspond to the payment of a sum of Rs. 50 by way of land revenue or income-tax, the qualifications based on other taxation also being correspondingly raised, but the educational and other qualifications remaining the same. Mr. D. H. Chandrasekharaiya wants the property qualification to be reduced to the level of payment of land revenue of Rs. 25.

Candidature.

227. There was a proposal before us that although elections might be directly on a territorial basis, the

candidature should be confined only to the members of the Representative Assembly and the Legislative Council. We are, however, unable to see any grounds for making such a restriction, and think that candidature should be open to all who possess the requisite qualification. We think that this qualification may be the same as that prescribed for voters.

Mr. D. V. Gundappa proposes that candidates for election should be required to sign a pledge or declaration to the effect that, if elected, they will make every endeavour possible to understand the aims and policies of the Government in relation to the issues to be considered by the Federal Legislature, and conduct themselves as members thereof with a conscientious regard for the interests of the State. The majority of us accept his suggestion in the hope that a declaration or pledge of this type may serve to define the attitude of the elected representatives towards the State and throw on them the responsibility for acquainting themselves with the views of the Government.

Mr. T. Ramachandra suggests that on the analogy of Section 68 (2) of the Government of India Act, 1935, the same person shall not be eligible for membership of the Federal and the local Legislature simultaneously. We would leave this to the decision of the Government.

Relations of the representatives with the Government, etc.

228. Regarding the relations of the representatives with the Government, we presume that the Government would ordinarily place the representatives in possession of facts relating to the subjects which may come up in the Federal Legislature and also communicate their views or suggestions to them. The question of the relations of the representatives with the local Legislature does not arise as they are not to be indirectly elected by the Legislature.

## SECTION VII—Miscellaneous Provisions.

### A. FUNDAMENTAL RIGHTS.

Fundamental rights and modern constitutions.

229. We shall now take up certain questions of a miscellaneous nature which, although not among the items specifically referred to us, the majority of the Committee consider as coming within the purview of para 12 of the

Government Order appointing this Committee which empowers us to make recommendations "on all matters pertaining to the development of the Constitution." They relate to Fundamental Rights, a Public Services Commission, the Independence of the Judiciary and some aspects of Local Self-Government. Foremost among these is the question of the necessity for a declaration of fundamental rights. From the days of the French Revolution it has been the fashion with constitution-makers to incorporate a declaration of their political creed in the fundamental laws of their country. Latterly even economic and social rights have been brought within the scope of such declarations. It was a favourite American practice to include a Bill of Rights in the constitution of every State, comprising—as has been said—"a whole series of primordial platitudes concerning human equalities, the rights of man, the duty of law observance, inviolability of private property, dignity of labour, value of education and the sanctity of every citizen." This has, however, come up for much criticism on the ground that the experience of Australia and Canada, for example, where the constitutions do not contain any Bill of Rights, has shown that the liberties of the citizen are quite as well respected there as in any of the States where such rights have been specifically declared.

Conflicting views on the subject.

230. On this subject the Indian Statutory Commission observed (Vol II, Para 36) :—"We are aware that such provisions have been inserted in many Constitutions, notably in those of the European States formed after the war. Experience, however, has not shown them to be of any great practical value. Abstract declarations are useless, unless there exist the will and the means to make them effective." The recommendations of the Committee of the All-Parties Conference in India in 1928 (the Nehru Committee), however, included a long list of fundamental rights, which has now been adopted, almost verbatim, in the scheme submitted to us by the Mysore Congress. The general position with regard to a declaration of rights has been expressed as follows by the Government of India in their Despatch on Constitutional Reforms (Para 50). "If they (the rights) were expressed as so many general political maxims, they are unlikely to serve the purpose for which they are framed. On the other hand, at first sight, there seem to us to be objections to making at least some of such

rights justiciable. If administrative decisions of all kinds can be taken to the Courts, grave disadvantages and embarrassments may be expected to ensue. There may, however, be a *via media* between these two alternatives."

Views of Sir Mirza Ismail and the Joint Parliamentary Committee.

231. At the time of the Round Table Conferences, Sir Mirza Ismail, Dewan of Mysore, suggested the adoption of a selection from the list prepared by the Nehru Committee, as constituting a possible middle course. He pointed out that if a declaration of rights was to be made in the Indian Constitution, it should be confined to those rights which are really fundamental and well-recognised, and should not seek to embody disputed principles or to lay down expensive programmes of social reform; and that in such circumstances it might be assumed that those principles would be habitually respected by the legislatures of the country. The proposal to include a declaration of rights in the constitution did not, however, find favour with the Joint Parliamentary Committee. Their objection was the usual one which has been mentioned above. As they put it (Para 366):—"Either the declaration of rights is of so abstract a nature that it has no legal effect of any kind, or its legal effect will be to impose an embarrassing restriction on the powers of the Legislature and to create a grave risk that a large number of laws may be declared invalid by the Courts because inconsistent with one or other of the rights so declared. An examination of the lists to which we have referred shows very clearly indeed that this risk would be far from negligible."

The need for declaration.

232. After a careful consideration of the matter, we have come to the unanimous conclusion that the balance of advantage would lie in making a declaration. We do not propose, however, that the declaration should either be incorporated in the constitution or that the fundamental rights should be enforceable in a court of law. We agree that many complications would result from such a course. But we believe that even a formal declaration of rights will not necessarily be a futile compound of "declarations and declamations", but that it will serve a useful purpose in supplying standards and prescribing limits for the legislature and for the executive as well as for the administration of justice

Besides, its educational value will by no means be inconsiderable. This is especially the case where the general level of political education is not very high. We are afraid that this aspect of the matter has not been given the consideration which it deserves, in previous discussions on the subject.

We are constrained to add what seems to us to be a necessary warning as we touch upon another aspect of this question. Historically, declarations of fundamental rights have, as a rule, been first made in opposition to absolute monarchy and arbitrary government. The time may not be far distant in this country when, as in the past in other lands, the fundamental rights of the individual will be threatened in the name of the people, a threat the more dangerous as the outcome of so-called democratic rule. It therefore seems to us timely to make now a declaration of those liberties of the subject which are the inalienable rights of all men---labourers and capitalists, men of advanced religious views and the orthodox, castemen and outcastes alike—liberties that remain the rights of man, whatever form of government may be adopted.

Suggested list of rights.

233. We would recommend the adoption of Sir Mirza Ismail's selection based on the list prepared by the Nehru Committee, with a few minor modifications. We think that in clause (iii), the right of free expression of opinion, and of assembly and of forming associations or unions, ought to be guaranteed only for purposes which, in addition to being not opposed to public order and morality are also not opposed to law. With regard to the possession of equal civic and other rights by all people, we would suggest the specific inclusion of the words 'not excluding the so-called untouchables' in clause (iv), as it might go some way towards eliminating untouchability in the State. Regarding access to public roads, wells, tanks and other places of public resort, we have considered it necessary to state in clause (ix) that such access shall be subject to the maintenance of public peace and order. The list as modified by us is as follows:—

(i) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.

(ii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iii) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to law, public order or morality.

(iv) All citizens, not excluding the so-called untouchables, are equal before the law and possess equal civic rights.

(v) There shall be no penal law whether substantive or procedural of a discriminative nature.

(vi) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(vii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(viii) No person shall merely by change of faith lose any civic right or privilege or be subject to any penalty.

(ix) Subject to the maintenance of public peace and order [1], all citizens have an equal right of access to, and use of, public roads, wells and tanks and all other places of public resort.

(x) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one of whatever occupation. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xi) Men and women shall have equal rights as citizens.

It is well known that most of these rights are now being actually enjoyed by the people in Mysore. Still, we consider that a formal enunciation and declaration of their recognition will serve a very useful purpose in fixing the attention of the public on them. We would leave it to the Government to make the declaration in any manner they may deem appropriate, if our suggestion commends itself to them.

Safeguards for minority communities.

234. In this connection, we may refer to the safeguards necessary for minority groups, which is one of the items in our terms of reference. We are agreed that these safeguards may be in the shape of an additional clause in the fundamental rights. The formula we would suggest

1. A minority of our members consisting of Messrs. Bhupalam Chandrasekhara Setty, D. V. Gundappa, B. S. Puttaswamy, P. Subbarama Chetty, D. H. Chandrasekharaiya, S. C. Malliah, T. Ramachandra and R. Chennigaramiah suggest the deletion of the words "Subject to the maintenance of public peace and order." But the rest do not agree to it. Also, the proposal of Mr. Tomlinson to delete these words in clause (ix), and to make them applicable to all the rights mentioned in the paragraph did not meet with the approval of the majority, the voting on the proposal being: *For* 7 and *Against* 10.

in this behalf is based on a note presented by Mahatma Gandhi at the Second Round Table Conference and is to the following effect: "The protection of their culture, language, script and education will be guaranteed to all minority communities." We have considered it unnecessary to refer to the profession and practice of religion in this context, as it has been already provided for in the general list of fundamental rights. We would propose the inclusion of this clause also in the declaration.

## B. PUBLIC SERVICES COMMISSION.

Need for a Public Services Commission.

235. The case for a Public Services Commission has been well set out by the Lee Commission in the following passage:—"Wherever democratic institutions exist, experience has shown that to secure an efficient Civil Service, it is essential to protect it as far as possible from political or personal influences, and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument by which Governments, of whatever political complexion, may give effect to their policies." The purpose of such bodies is thus to maintain adequate standards of recruitment and to advise Government in regard to the action to be taken in matters affecting promotions, discipline, etc., in the services.

Appointment of a Commission and its functions.

236. On a consideration of all the issues involved, we would recommend the appointment of a Public Services Commission for dealing with all appointments carrying a salary of Rs. 25 and above, appointments below Rs. 25 being left to be made by the officers concerned in accordance with the rules that may be issued by the Government in that behalf. The role of the Public Services Commission, we would state at the outset, should be purely advisory in character. It should be consulted in regard to the principles to be followed in respect of promotions and transfers from one service to another, and also regarding the suitability of candidates for such promotions and transfers. It should see that in all appointments the prime considerations are the efficiency of the public services, and the merits of the candidates. Subject to this, the principle of giving a fair opportunity to all communities for a share in the public services of the country should also be recognised.

We have no doubt that a Public Services Commission organised and functioning in this manner will be of great assistance to the Government, and by sharing its onerous responsibilities in this connection, will serve in some measure to divert criticism from the Government. We would add that, in order to avoid overlapping and possible conflict of functions, the present Central Recruitment Board may be abolished, when the Public Services Commission is brought into being.

Our colleagues Messrs. B. S. Puttaswamy and S. C. Malliah, while agreeing to the appointment of a Public Services Commission, consider that it should deal only with appointments carrying a salary of Rs. 100 per month and above, and that the Central Recruitment Board should continue to deal with appointments on less than Rs. 100 per month.

## C. THE JUDICIARY.

Provisions for securing the independence of the Judiciary.

237. The independence of the Judiciary is admittedly one of the most important principles in any constitution. In Mysore the Judges of the High Court are appointed by the Ruler and they function under statute. Their uprightness and integrity, as well as efficiency, have all along been beyond question. There has not been even a breath of suspicion that the Executive has ever tried to put pressure on them or to influence them in any manner. It is, however, usual in modern constitutions to provide for the independence of the Judiciary by statute. In British India the independence of the Judges of the Federal and High Courts is secured to some extent by the fact that they are appointed by the Crown. In addition, it is provided in Section 220 (2) of the Government of India Act that a Judge of the High Court shall hold office until he attains the age of 60 years, unless he resigns or is removed by the Crown on the ground of misbehaviour or infirmity. We are of opinion (Mr. P. Mahadevayya dissenting) that in Mysore it may now be provided that the Judges of High Court should on no account be granted an extension of service beyond the age prescribed generally for superannuation, though they may be removed by His Highness for misbehaviour, incapacity or infirmity, at any time before it; that the terms of their appointment (such as salary) should not be varied during their term of office;

and that they should not be eligible for any other appointment or office of profit under the Government either before or after retirement. We believe that these provisions would secure the position and tenure of Judges of the High Court, and firmly establish the existing traditions of independence of which we are justly proud.

## D. LOCAL SELF-GOVERNMENT.

Supervision of local bodies.

238. We have briefly reviewed the progress of local self-governing institutions in chapter II. It is, strictly speaking, beyond our scope to make any detailed proposals in regard to the development of local self-government in Mysore. We should like to refer here, however, to two points. We think that the interests of the local bodies will be greatly promoted and a well thought out co-ordination of their functions and activities effected by the appointment of a whole-time officer with the necessary powers to supervise local self-governing institutions and do all things necessary for their improvement. Another suggestion which the majority of us would press for the consideration of the Government is that all city and town municipalities should be given the privilege of electing their own presidents. We are aware that, although the principle has been recognised by the Government, there have been difficulties in the way of carrying it out in practice. We hope, however, that the difficulties may be overcome in the near future.

Summary of proposals.

239. Our main recommendations may now be summarised:—The Representative Assembly and the Legislative Council will be retained as at present, with a somewhat increased strength, providing for adequate representation for the minorities and special interests, including women. The term of the Houses will be four years instead of three years as at present. The privileges of the members will be defined. The powers and scope of the Representative Assembly will be enlarged, consistently with maintaining its character as a body for consultation and reference. The rural electorate for the Assembly will be substantially widened by a reduction of the property and educational qualifications for the franchise. A non-official President and a strong elected majority will be provided in the Legislative Council, so as to shift the balance of power to the elected representatives.

There will be reservation of seats in both the Houses for Muslims, Indian Christians and Europeans. The representation now allowed to sub-sections in the Hindu community will be done away with. For the Depressed Classes there will be joint electorates with seats reserved in multi-member constituencies, the successful candidate for the reserved seat being required to get prescribed percentages of the communal as well as the general votes. For the first time, an effective popular element will be introduced into the Executive Council making it largely amenable to the influence of the Legislature. While essential responsibility to the Ruler will be maintained, the risks and complications involved in a system of dyarchy with the water-tight division of subjects into "Transferred" and "Reserved" will be avoided. Among the miscellaneous recommendations may be mentioned the recognition of the fundamental rights of citizenship, including special safeguards guaranteeing to all minority communities the protection of their culture, language, script and education; the appointment of a Public Services Commission to regulate the distribution of appointments in the services on a just and efficient basis; provisions for securing the independence of the Judiciary and a fair number of elected representatives to the Federal Legislature; and finally, the declaration of the goal of reform as responsible government under the authority and protection of the Sovereign, subject to necessary safeguards. We believe that these proposals embody the largest possible measure of advance on democratic lines compatible with the existing political conditions in the State.

## Conclusion.

In concluding our Report, w
ined ourselves to a realistic consideration of the conditions as they obtain in Mysore to-day. At present, the problems pertaining to the States are in the limelight of Indian public opinion, and it would not be unnatural if our Report attracted interest outside of Mysore. We may, however, record our view that the nature of the reforms to be effected in each State must depend largely, if not solely, on the local conditions, and we have accordingly tried to avoid the ever present temptation to indulge in imperfect generalisations of uncertain validity. Even in our

State we are passing through times of such rapid change that it is impossible for any one to foresee the trend of political actualities a decade ahead. Our proposals are therefore essentially, we would emphasise, for a period of transition, and lay no claim to finality. It is possible that they may not find favour with those who are impatient for the immediate establishment of full responsible government. Between them and us the difference is not so much in regard to the ultimate objective, as about the pace of approach to the goal as envisaged by us. What we want to ensure is that the anxiety for reform and change may not prejudice the prospects of good government or unsettle our time-honoured traditions of *Satya* and *Dharma*. It is our most cherished desire that we may be able to apply to Mysore the noble lines of Tennyson:

> "A land of settled government,
> A land of just and old renown,
> Where Freedom slowly broadens down
> From precedent to precedent."

BANGALORE,
*Dated 24th August, 1939.*

K. R. SRINIVASA IYENGAR,
*Chairman.*

C. HAYAVADANA RAO.
*S. HIRIANNAIYA.
*B. S. PUTTASWAMY.
*J. MD. IMAM.
S. C. MALLIAH.
*W. E. TOMLINSON.
*MD. HANIEF.
†D. H. CHANDRASEKHARAIYA.
*D. V. GUNDAPPA.
†M. C. RANGIENGAR.
N. S. SUBBA RAO.
*P. MAHADEVAYYA.
F. X. DESOUZA.
*K. D. RUKMINIAMMA.
C. NARASIMHAYYA.
*MOHOMMED ABBAS KHAN.
P. SUBBARAMA CHETTY.
*BHOOPALAM R. CHANDRASEKHARAYYA.
*R. CHENNIGARAMAIAH.
*T. RAMACHANDRA.

K. GURU DUTT,
*Secretary.*

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* Subject to a separate note or minute of dissent.

† Signed at Hole-Narsipur on 25th August, 1939.

# Summary of Recommendations.

*(The recommendations are of the majority. Dissents are indicated where necessary.)*

PARAS

## I. The Goal of Reforms.

1. *Declaration of goal.*—It would be advisable to declare the goal of constitutional reform in Mysore in terms of "Responsible Government," due reservation being made in regard to the powers of the Ruler for safeguarding the legitimate interests of minorities, to ensure peace, order and good government and to satisfy the obligations under the Treaty with the Paramount Power. (Messrs. P. Mahadevayya, Mahomed Abbas Khan and some others
118-121 *dissenting*).

## II. The Legislature.

2. *Continuance of the two Houses.*—Both the Representative Assembly and the Legislative Council should be continued. (Mr. Bhupalam Chandrasekhara
122-123 Setty *dissenting*).

3. *Character of the two Houses.*—The two bodies should be maintained practically in their present form and character, but with such enlarged powers as may be conferred upon them. (Messrs. M. C. Rangiengar and
124-125 P. Subbarama Chetty *dissenting*).

## III. The Representative Assembly.

4. *Government bills.*—(*a*) Every bill should first be placed before the Assembly, before its introduction into the Legislative Council, with a statement of the general principles underlying the bill and the opinion of the
126 Assembly ascertained.

(*b*) The Assembly should be empowered to express its opinion, not only on the main principles of the bill, but

also on any of the provisions of the bill, and amendments may be proposed by any member to any clause of the bill. (A minority consisting of the Chairman, and six others *dissenting.*) 127

(*c*) At least seven days' previous notice should be given of any amendment which a member may propose to move. 127

(*d*) When the principles of the bill, or any of its provisions, are opposed or amended by a majority of not less than two-thirds of the total strength of the Assembly, the verdict of the Assembly shall be accepted by the Government, provided that it shall be open to them to introduce the bill into the Legislative Council with such modifications as may be deemed by them to be desirable, if they consider it necessary to do so in the public interest or for ensuring safety and good government. In such a case, a statement giving reasons for their decision should be issued by the Government, and a copy of it forwarded to the members of the Representative Assembly as well as of the Legislative Council. (Mr. D. V. Gundappa *dissenting.*) 128–129

(*e*) After the bill is passed by the Assembly, it shall be introduced into the Legislative Council with or without the modifications suggested by the Assembly, as the case may be. When the bill is finally passed by the Council, it need not be placed again before the Assembly, but may be submitted to His Highness for assent together with a statement of the opinions expressed by the Assembly thereon. (Mr. Bhupalam Chandrasekhara Setty *dissenting.*) 130

5. *Private members' bills.*—(*a*) Any member of the Assembly may place a bill before the Assembly after obtaining the permission of the Dewan. 131

(*b*) Any such bill, if thrown out by a majority of the members present and voting, will not be proceeded with any further. 131

(*c*) The same procedure will be adopted in the case of any private member's bill proposed to be introduced into the Legislative Council and placed before the Assembly for ascertaining its opinion. 131

6. *Emergency legislation.*—(*a*) The power now vested in the Government of dispensing with the previous consultation of the Assembly in cases of urgency should
132 be extinguished.

(*b*) Emergent situations may be met by the exercise of the power of framing temporary regulations having the force of law for a period of six months which may be
132 extended by a further period of six months, if necessary.

7. *Excluded subjects.*—(*a*) No modification is necessary in respect of subjects which are now excluded from the purview of the two Houses. (Mr. Bhupalam
133 Chandrasekhara Setty *dissenting*).

(*b*) The exclusion of matters relating to changes in the constitution of the two Houses should be confined as at present to legislation only and should not extend to
134 discussions, resolutions and representations.

(*c*) The existing restriction which precludes each House from suggesting modifications of the constitution of the other House should be removed. Resolutions may be moved with the previous sanction of the Dewan in either House proposing amendments to the constitution of
134 one or the other of the two Houses.

8. *Bills affecting religion, etc.*—(*a*) Previous sanction should be made a requisite for the introduction of any measure affecting the religion, religious rights or usages of
135 any class of His Highness' subjects.

(*b*) Such previous sanction should be that of His Highness the Maharaja. (Rev. W. E. Tomlinson and six
135 others *dissenting*).

9. *Taxation.*—No new tax should be levied nor any existing tax enhanced without the consultation of the
136 Assembly.

10. *Budget.*—The powers of the Assembly in respect of the budget may be enlarged by conferring on it the right of passing resolutions on any of the major heads in the budget, provided that such resolutions do not
137 have reference to particular grants or appropriations.

11. *Excluded heads of expenditure.*—The present list of heads of expenditure excluded from discussion may

be so modified as to permit discussion regarding "the Military Forces of His Highness the Maharaja" (excepting Palace Troops), although no resolution or voting thereon might be permitted. (The Chairman, and four others *dissenting*). The other items may continue to be excluded as at present. (Mr. Bhupalam Chandrasekhara Setty and Mr. D. H. Chandrasekharaiya *dissenting*.) 138

12. *Enhancement of grants, etc.*—No proposal for the imposition of taxation, or for the appropriation of public revenues, nor any proposal affecting or imposing any charge upon those revenues, should be made except on the recommendation of the Executive. (Mr. Mahomed Abbas Khan *dissenting*.) 139

13. *Resolutions.*—(*a*) Resolutions of both the Houses on matters of public administration as well as the resolutions of the Assembly on the budget will have the force of recommendations only. 140

(*b*) Each member of the Assembly may send one resolution for each session—Budget and Dasara. 141

(*c*) Five days in the Dasara and four days in the Birthday sessions (2 days for resolutions on the budget and 2 for other resolutions) may be allotted for the discussion of resolutions. 141

(*d*) Of these days, one day may be assigned for the discussion of resolutions sent by members representing the minorities and special interests. 141

(*e*) The order in which resolutions are to be discussed may be determined by the drawing of lots. 141

14. *Interpellations.*—(*a*) Each member may send one question for each session. 143

(*b*) No maximum limit need be placed on the total number of interpellations to be sent by all the members for any session. 143

(*c*) Supplementary questions may be allowed at the President's discretion. 143

15. *Representations.*—(*a*) The practice of submitting representations for the consideration of the Government may be continued. (Mr. D. V. Gundappa *dissenting*.) 144

(*b*) Matters falling within the competence of a local body or officer should not ordinarily be made the subject-matter of a representation. (Messrs. D. V. Gundappa and
144 Mahomed Abbas Khan *dissenting*.)

(*c*) If any such local subjects are sent by the members, they may be referred by the Government to
144 the competent authority for disposal.

(*d*) The Government should place a statement before the House on the action taken by them in respect
144 of what they regard as local subjects.

(*e*) Each member may send one subject for each
144 of the sessions—Birthday and Dasara.

16. *District meetings.*—The present system of selecting the resolutions, representations and interpellations which are to come up before the Assembly, at preliminary meetings in each district may be abolished, the members being allowed to send up their resolutions,
142 etc., direct to the Government.

17. *Consultation on important measures and policies.*—(*a*) In the case of legislative, financial and administrative measures under contemplation the Government should, as far as possible, consult the Assembly and ascertain its views on such measures before taking a
145 final decision.

18. *Strength of the Assembly.*—The strength of the Assembly may be increased to 300 and distributed as follows :—

| | | | |
|---|---|---|---|
| 1. | Rural Constituencies | ... ... | 165 |
| 2. | Urban Constituencies | ... ... | 45 |
| 3. | Minorities :— | | |
| | (*a*) Muslims | ... ... | 26 |
| | (*b*) Depressed Classes | ... ... | 30 |
| | (*c*) Indian Christians | ... ... | 5 |
| | (*d*) Europeans | ... ... | 1 |
| 4. | Special Interests | ... ... | 28 |
| | | Total ... | 300 |

The Government may be empowered to increase this number by 10 or 15 more to provide for the representation of any new interests or constituencies that may develop
146 in future.

19. *Rural constituencies.*—The existing allocation of seats among rural constituencies may be maintained with the following modifications:—

(*a*) Turuvekere may be allotted two seats, and the number of seats for Gubbi may be reduced from three to two. 147

(*b*) The newly constituted French-Rocks taluk may be given two seats and the number of seats for Krishnarajpet taluk may be reduced from three to two.

20. *Urban constituencies.*—

(*a*) Bhadravati town may also be recognised as an urban constituency with one seat. 148

(*b*) The number of seats for each of the cities of Bangalore and Mysore may be reduced from four to three. 148

21. *Direct election.*—All the members of the Assembly, excepting those representing Europeans and the Special Interests, should be elected directly from territorial constituencies and the present system of "facultative representation" of minorities, *i.e.*, by election through associations, or by nomination by the Government in the absence of such associations should be abolished. (Mr. B. S. Puttaswamy and some others *dissenting*). 149

22. *Minorities.*—The present method of ensuring the representation of minorities by a system of reserved seats may be maintained. But such reservation should be made as in British India only in favour of religious and racial minorities like Indian Christians, Europeans and Muslims, and the Depressed Classes who, though forming part of the Hindu community, are economically and socially so backward as to require special protection. 150

(*a*) *Indian Christians and Europeans.*—The number of seats now reserved for Indian Christians, *viz.*, five, may be continued, and one seat may be set apart for Europeans. 151

(*b*) *Muslims.*—The number of seats guaranteed to Muslims may be raised from 18 to 26. 152

These seats may be distributed as follows (Mr. J. Mahomed Imam *dissenting*):—

| | | |
|---|---|---|
| (i) | The cities of Bangalore, Mysore and the Kolar Gold Field Sanitary Board area; one seat each ... ... ... | 3 |
| (ii) | The districts of Bangalore (excluding the city), Kolar (excluding the Kolar Gold Field Sanitary Board area), Shimoga, Tumkur and Chitaldrug; three seats each ... | 15 |
| (iii) | The districts of Mysore (excluding the city), Kadur, Hassan and Mandya; two seats each. ... . . ... | 8 |
| | Total ... | 26 |

153

(*c*) *Depressed Classes.*—The seats allotted to these
154 Classes may be increased from 6 to 30.

(*d*) *Hindu sub-communities.*—The system now in force of keeping a number of seats in reserve for Hindu sub-communities which fail to get representation through the general electorate may be abolished. (Messrs. P. Subbarama Chetty, D. H. Chandrasekharaiya and two
155 others *dissenting*).

23. *Mode of election: Reserved seats.*—(*A*) *Muslims.* All the three Muslim members of the Committee are emphatically in favour of communal electorates.

A majority of eight members are generally in favour of a system of joint electorates under some system of compromise, but they do not like to go against the wishes of the Muslim community and would therefore leave the final decision in the matter to that community.

A minority of five members are for some form of joint electorates, whatever may be the views of the Muslim
160 community.

(*B*) *Indian Christians.*—Separate electorates may be granted, if the majority of the community press for such electorates. (Messrs. T. Ramachandra, Bhupalam
161–162 Chandrasekhara Setty and D. V. Gundappa *dissenting*).

(*C*) *Europeans.*—The seat allotted to Europeans
163 may be filled by election by the European Association.

(*D*) *Depressed Classes.*—The following arrangements may be made in regard to these Classes :—

(i) The qualifications for the vote should be so lowered as to enfranchise the same percentage of the Depressed Classes as that of the caste Hindus to the total population. 167

(ii) Voters of the Depressed Classes should vote jointly with other caste Hindus in general constituencies and be entitled to stand also as candidates in such constituencies. 167

(iii) The deposit amount required from the Depressed Classes candidates may be reduced to Rs. 25. 167

(iv) In constituencies for the reserved seats, both the voters of the Depressed Classes as well as the caste Hindus will vote together, provided that :

(*a*) Where only two candidates contest the seat, the candidate who gets 60 per cent or more of the Depressed Classes votes polled should be declared elected, provided he gets not less than 10 per cent of the non-Depressed Classes votes for the Depressed Class candidates.

If either of the two candidates fails to secure the above percentage of Depressed Classes votes, the candidate who gets the larger number of votes cast in his favour by all the voters (including the caste Hindus) should be declared elected.

(*b*) Where three or more candidates contest the seat, the candidate who gets the largest number, and not less than 40 per cent of the votes polled by the Depressed Classes should be declared elected, provided he gets not less than 5 per cent of the non-Depressed Classes votes for Depressed Class candidates.

If two candidates secure an equal number of votes of the Depressed Classes, then the candidate who secures the largest number of votes (including those of caste Hindus) among them should be declared elected.

If none of the candidates secures 40 per cent of the votes polled by the Depressed Classes, the candidate who gets the largest number of votes polled (including those of

caste Hindus) and not less than 10 per cent of the votes polled by the Depressed Class voters should be declared
168 elected.

24. *Special interests.*—The seats reserved for special interests may be allotted as follows :—

| *Name of Interest.* | *No of seats.* |
|---|---|
| University ... ... | 1 |
| Agriculture (including Sericulture) ... ... | 1 |
| Planting ... ... | 2 |
| Inamdars ... ... | 1 |
| Trade and Commerce ... ... | 3 |
| Industries ... ... | 2 |
| Women ... ... | 11 |
| Labour ... ... | 5 |
| Co-operation and Banking ... ... | 1 |
| Gold Mining ... ... | 1 |
| Total ... | 28 |

Of the 2 seats for Planting 1 may be given to European
169 Planting and the other to Indian Planting.

25. *Women.*—(*a*) 11 seats may be assigned to Women's Interest with liberty to contest additional seats
170 in the general constituencies.

(*b*) Of the reserved seats, one seat each may be allotted to Muslim and Harijan women respectively.
170 (Sri K. D. Rukminiamma *dissenting.*)

26. *Electorate for women's seats.*—(*a*) Women's seats should in all cases be filled by direct election through territorial constituencies consisting of women voters alone.
171 (Sri K. D. Rukminiamma, and three others *dissenting.*)

(*b*) The cities of Bangalore and Mysore will form a single constituency for the seats reserved for Muslim
171 and Harijan women respectively.

27. *University.*—The members of the Senate and the registered graduates of the University will form the electorate for the seat given to the University in the two
172 Houses.

28. *Delimitation of other constituencies.*—A Committee may be appointed by the Government for delimiting the constituencies for the seats reserved in both Houses to Christians, Depressed Classes and special interests other than the University and Harijan and Muslim women. 172

29. *President and Vice-Presidents.*—The Dewan will continue to be the President of the Assembly, and the Ministers Vice-Presidents thereof. (Messrs. D. V. Gundappa and Bhupalam Chandrasekhara Setty *dissenting.*) 173

30. *Term of the two Houses.*—(*a*) The term of the Assembly, as well as that of the Council may be raised to four years. (A minority of seven are in favour of 3 years.) 174

(*b*) Some device such as the extension of the life period of one of the two Houses may be adopted to prevent the simultaneous dissolution of both the Assembly and the Council. 174

31. *Session of the Assembly.*—There should at least be two sessions every year, as at present—one during the Dasara and one at Budget time. (Mr. Gundappa and some others *dissenting.*) 175

32. *Order of business and allotment of days for the sessions of the Representative Assembly.*—The following order and arrangement of business is suggested :—

*Dasara Session.*

| | |
|---|---|
| Address of the Dewan-President, questions and Government business ... ... | 2 days |
| Representations (not more than) ... ... | 7 ,, |
| Resolutions (not more than) ... ... | 5 ,, |
| Total ... | 14 days |

*Budget Session.*

| | |
|---|---|
| Dewan's Address, questions and Government business ... ... | 1 day |
| General discussions (not more than) ... | 2 days |
| Resolutions on the Budget ... ... | 2 ,, |
| Representations (not more than) ... ... | 3 ,, |
| Other resolutions (not more than) ... ... | 2 ,, |
| Total ... | 10 days |

175

33. *Allowance to members.*—(*a*) The members of both the Houses may be paid travelling allowances at the present rates, and a daily allowance of Rs. 10 for each
176 day of attendance.

(*b*) The practice of providing free quarters for the Assembly members and free lunch to the members of both the Assembly and the Council may be done away with, facilities being provided for quarters and satisfactory catering arrangements made for the supply of lunch on
176 payment.

## IV. The Legislative Council.

34. *Its powers: legislation.*—The Council will continue to exercise its existing powers of legislation, subject to the condition that every bill should, in the first instance, be invariably placed before the Representative
177 Assembly.

35. *Excluded subjects.*—(*a*) The subjects as well as the heads of expenditure which are now excluded from the jurisdiction of the Council will remain so, (Messrs. Bhupalam Chandrasekhara Setty and D. H. Chandrasekharaiya *dissenting*) except that matters connected with expenditure on the Military Forces of His Highness the Maharaja (other than Palace Troops) may henceforward be discussed in the Council, although no resolutions or
178 voting thereon may be permitted.

(*b*) Legislation required for the excluded subjects will be framed by the Government as at present and will come into force as law on receiving the assent of His
178 Highness.

36. *Finance.*—Proposals for the appropriation of revenue will be submitted to the Council in the form of demands for grants, and the vote of the Council on any demand will be final subject to two qualifications :—

(i) Any rejected or reduced demand may be restored on a certification made by the Dewan that the restoration is necessary for carrying on the administration or for the discharge of the Government's responsibility.

(ii) The Government shall have power, as at present, to authorise emergent expenditure for ensuring the safety or tranquillity of the State or for the discharge
179-80 of the Government's responsibilities.

37. *Composition.*—(1) The Council will be considerably enlarged and given an effective elected majority, and the number will be raised to 68, the seats being distributed as follows :—

I. ELECTED.

| | | | | |
|---|---|---|---|---|
| (*a*) General Constituencies | | | ... | 24 |
| (*b*) Minorities :— | | | | |
| Muslims | ... | 4 | | |
| Depressed Classes | ... | 4 | | |
| Indian Christians | ... | 1 | | |
| Europeans | ... | 1 | | |
| | | | | 10 |
| (*c*) Special Interests | | | ... | 10 |
| Total elected | | | ... | 44 |

II. NOMINATED.

| | | | | |
|---|---|---|---|---|
| Officials | ... | 16 | | |
| Non-officials | ... | 8 | | |
| Total nominated | | | ... | 24 |
| Total | | | ... | 68 |

181

(2) When the retrocession of the Civil and Military Station, Bangalore, comes into force, the number of seats should be suitably increased. 181

38. *General constituencies.*—(*a*) The distribution of seats among the general constituencies will be as follows (Mr. Bhupalam Chandrasekhara Setty and three others *dissenting*) :—

| | | |
|---|---|---|
| The districts of Bangalore, Mysore, Kolar and Tumkur (each of which has a population of 8 lakhs and above) at 3 seats each | ... | 12 |
| The districts of Mandya, Hassan, Chitaldrug, Kadur and Shimoga (with a population of less than 8 lakhs) at 2 seats each | ... | 10 |
| The cities of Bangalore and Mysore at 1 seat each. | | 2 |
| Total | ... | 24 |

182

(*b*) Each district will form a single multi-member constituency, returning the number of members allotted to it. 182

39. *Minorities.*—(*a*) With the exception of the member representing Europeans who will be returned by indirect election by the European Association, the members representing the other minorities should be returned
183 by direct election from territorial constituencies.

(*b*) The constituencies for the seats reserved for Muslims will be as follows (Mr. Mahomed Imam *dissenting*) :—

| | |
|---|---|
| Bangalore City and Bangalore District ... | 1 seat |
| Kolar and Tumkur ... ... ... | 1 „ |
| Chitaldrug, Shimoga and Kadur ... ... | 1 „ |
| Mysore City, Mysore District, Hassan and Mandya ... ... ... | 1 „ |

183

40. *Special interests.*—The special interests will be represented by election and the distribution of seats will be as follows :—

| | |
|---|---|
| (1) University ... ... ... | 1 |
| (2) Trade and Commerce ... ... | 1 |
| (3) Mining ... ... ... | 1 |
| (4) Other Industries ... ... ... | 1 |
| (5) Planting— | |
| (*a*) Indian ... ... ... | 1 |
| (*b*) European ... ... ... | 1 |
| (6) Labour ... ... ... | 2 |
| (7) Women ... ... ... | 2 |
| Total | 10 |

184

41. *Delimitation of constituencies.*—Constituencies for special interests other than the University as well as for the seats reserved for minorities other than Muslims
184 may be delimited by a separate Committee.

42. *Nominated members.*—The maximum number of nominated members shall be 24 of whom not more than 16 may be officials (Mr. Bhupalam Chandrasekhara Setty
185-186 *dissenting*).

43. *President.*—(*a*) The Council may be allowed to elect a President and Deputy President from among the non-official members, subject to the approval of His

Highness the Maharaja. For the first term of the Council, however, the President may be nominated by His Highness. (Mr. Mahomed Hanief *dissenting*.) 187

(*b*) The President may select a panel of four Chairmen for presiding during the absence of the President and the Deputy President. 187

(*c*) The nominated President will hold office during the pleasure of His Highness. The term of office of the elected President and Deputy President will be conterminous with that of the Council, unless removed on a vote of 'no-confidence' earlier. 189

44. *Removal of the President and the Deputy President.*—The elected President or the Deputy President may be removed by His Highness on the submission to him of a vote of no-confidence passed by a two-thirds majority of the total strength of the House. Fifteen days' previous notice should be given by a member of his proposal to bring in a motion of no-confidence against the President or the Deputy President, and the proposal should have the support of at least 15 members before it could be taken up for discussion. 189

45. *Salary of the President.*—The salary of the nominated President may be fixed by the Maharaja. The salary of the elected President and Deputy President may be fixed by the Council itself. The President may have the rank and status of a Minister. 188

46. *Secretary and staff.*—The Secretary to the Council as also the clerical and other staff may form part of the Government Secretariat staff, but they should work in subordination to and be subject to the control of the President. The President shall also have an effective voice in their selection and appointment. 190

47. *Sessions.*—Statutory provision may be made to the effect that the Council should meet not less than twice every year 191

## V. The Executive.

48. *The nature of the Executive.*—The grant of full responsible government is not an immediate possibility.

The Executive will consist of a Cabinet of Ministers, some of whom should be chosen from among the elected members of the Legislature and the rest may be selected from among officials or non-officials at the discretion of the Ruler. There should be no division of functions, the Ministers being jointly and primarily responsible to the Ruler and holding office at his pleasure. They will at the same time be answerable for their actions to the Legislature, although not necessarily removable on a vote of no-confidence. This type seems to be best fitted for Mysore, for the present, as it does not entail too sudden a break with the existing system, and is at the same time capable of developing into full responsible government in course of time. (Mr. Bhupalam Chandrasekhara
192–204 Setty *dissenting.*)

49. *Size of the Cabinet.*—The Cabinet may consist of the Dewan and not less than four Ministers. For the
208 present the number may be fixed at four.

50. *Office of Dewan.*—(*a*) The Dewan will be appointed by His Highness the Maharaja at his pleasure either
209 from among officials or non-officials.

(*b*) The selection for the Dewan's appointment should be confined ordinarily to Mysoreans. (A minority
209 of five including the Chairman *dissenting*).

(*c*) The Dewan will be the President of the
209 Cabinet.

(*d*) The term of office of the Dewan should not
209 ordinarily exceed five years.

51. *Dewan's relation to the Legislative Council.*—The Dewan need not be a member of the Legislative Council, but may attend its meetings and address it whenever he
209 wishes to do so.

52. *Ministers selected from the Legislature.*—(*a*) Not less than two of the Ministers should be non-officials selected from among the elected members of the Representative Assembly or the Legislative Council—one at least from each body. (Mr. D. H. Chandrasekharaiya
210 *dissenting.*)

(*b*) On their appointment, the two Ministers will continue to be members of the Houses to which they belong. 210

53. *Representation of minority communities in the Ministry.*—The selection of the ministers may be made so as to be representative of the several communities as far as possible. No specific provisions need be made in the Constitution for the appointment of a Muslim or Adi-Karnataka Minister (Messrs. Mahomed Abbas Khan, Mahomed Imam, Mahomed Hanief and Chennigaramiah *dissenting*). 210

54. *Other Ministers.*—The remaining Ministers may be appointed from among officials or non-officials, whether members of the two Houses or otherwise. 210

55. *Mode of appointment of Ministers.*—All the Ministers should be selected and appointed by His Highness the Maharaja at his pleasure. (Mr. Bhupalam Chandrasekhara Setty and some others *dissenting*). 205

56. *Term of office of Ministers.*—The tenure of office of the non-official Ministers who are members of the Houses as well as of those appointed from outside will, subject to the pleasure of the Maharaja, be co-extensive with the life of the Houses. The official Ministers will hold office during the pleasure of His Highness, provided that their term of office should not ordinarily exceed five years and should be subject to the provisions of the Mysore Service Regulations. (Messrs. B. S. Puttaswamy and three others *dissenting.*) 210

57. *Distribution of portfolios.*—The distribution of portfolios between the Dewan and the other Ministers will be at the discretion of the Maharaja. No Minister should be under a disability to hold any portfolio on the ground of his being a non-official. 210

58. *The Ministers' relation to the two Houses.*—(*a*) All the Ministers should be *ex-officio* members of the Legislative Council. 210

(*b*) There is no need for making special provision for a vote of no-confidence against the Ministers or for an

Address to the Ruler, as the existing provisions for the rejection of demands for grants, for cut motions on demands, for discussing the budget and for passing resolutions provide sufficient opportunities for bringing to the notice of the Ruler any deficiencies and defects in the administration and for giving expression of the Legislature in respect of policies and measures of the Government. (Mr. D. V. Gundappa and some others
207 *dissenting.*)

## VI. Franchise.

59. *Franchise for the Legislative Council.*—The existing qualifications of voters for the Legislative Council may be maintained except as regards the educational qualification for women. (Mr. D. H. Chandrasekharaiya
212 *dissenting.*)

60. *The Representative Assembly—Educational qualification.*—The educational qualification of voters to the Representative Assembly may be reduced to the
214 possession of the S. S. L. Certificate.

61. *The Representative Assembly : Property qualification*—(a) *Urban constituencies.*—The property qualifications of urban voters are sufficiently low, being identical with those entitling a person to vote in municipal elections in the area forming a constituency and may
213 accordingly be retained.

(b) *Rural constituencies.*—The qualifications based on taxation, *e.g.*, the payment of land revenue may be reduced from Rs. 25 to Rs. 10; the payment of taxes under the Panchayet, Mines and Municipal Acts being reduced from Rs. 5 to Rs. 4; similarly the *beriz* on inam
213 villages may be reduced to Rs. 100.

62. *Abolition of residential qualification for Inamdars :*—The rule requiring that an Inamdar, in addition to possessing the prescribed qualifications,
213 should also reside in the constituency may be abolished.

63. *Special qualification for women :*—The educational qualification of women voters for the Legislative

Council may be reduced to the possession of the S. S. L. Certificate, and for the Representative Assembly it may further be reduced to a pass in the Upper Primary, Middle School or Lower Secondary examination. 215

64. *Disqualifications of voters*:—The following modifications in the rules prescribing general disqualifications of voters are suggested in the case of both the Representative Assembly and the Legislative Council:—

(i) The period of six months prescribed for residence in the State, in order to qualify a person to have his name entered in the electoral roll may be raised to one year.

(ii) The period entitling a person to claim to be a subject of His Highness the Maharaja by domicile should be extended from 5 to 10 years. (Messrs. T. Ramachandra, D. H. Chandrasekharaiya and Mahomed Hanief *dissenting*.)

(iii) The period of operation of the disqualification in the case of persons convicted of certain criminal offences or of dismissed Government officials which is now fixed at 10 years may be reduced to 5 years.

(iv) The disqualification on the ground of a sentence or conviction for criminal offences should be applicable only to such offences as involve moral turpitude, it being left to the Government to determine what is moral turpitude in each case. 216

65. *Qualifications of candidates*:—(i) The minimum age for candidates to the Representative Assembly may be fixed at 25 years. 217

(ii) The educational qualification for a member of the Representative Assembly in the absence of any other qualification should be that of a graduate. (Mr. T. Ramachandra *dissenting*.) 217

(iii) The minimum age for candidates to the Legislative Council may be raised from 25 to 30 years. 220

(iv) The amount of income-tax paid qualifying a person as a candidate for the Legislative Council may be reduced from Rs. 200 to Rs. 50; and the *beriz* on inam villages from Rs. 250 to Rs. 100. 220

66. *Eligibility of village officers to the Representative Assembly* :—The existing rule under which shanbhogs and patels are treated as non-officials and allowed to stand as candidates for election to the Representative Assembly may be continued. This privilege may also be extended to other minor village
218 servants such as thotis and thalaris.

67. *Relation of candidate to constituency* :—A person who possesses the necessary qualifications as an elector in any constituency may stand as a candidate for
219 election only in that constituency.

## VII. Privileges of the two Houses and their members.

68. (*a*) *Freedom of speech* :—Provision may be made in the constitution for freedom of speech in both the Houses on lines similar to those contained in Section 71 (1)
223 of the Government of India Act.

(*b*) *Freedom from arrest under civil process* :—The majority are further of opinion that the members of the two Houses should be exempted from arrest under civil process excepting in respect of insolvency during the sittings or any meetings of the Houses. There need be no exemption from arrest under criminal process or from prosecution for any offence. (Mr. Bhupalam Chandra-
223 sekhara Setty *dissenting*.)

## VIII. State's Representatives on the Federal Legislature.

69. *Election of half the State's quota of representation* :—With regard to the Federal Assembly not less than four members may be elected and the rest nominated; and with regard to the Federal Council one member may be elected and the remaining two nominated. All the repre-
224 sentatives should be regarded as nominees of the Ruler.

70. *Constituency* :—The representatives should be directly elected on a territorial basis, the entire State forming a single multi-member constituency, the method of voting being that of proportional representation by means of the single transferable vote. (Messrs. D. H.
225 Chandrasekharaiya and R. Chennigaramiah *dissenting*.)

71. *Qualifications of voters :*—The qualifications of voters should be somewhat higher than those prescribed for the local Legislative Council, the higher qualification corresponding to the payment of a sum of Rs. 50 by way of land revenue or income-tax, the qualifications based on other taxation being suitably raised and the educational and other qualifications remaining the same. (Mr. D. H. Chandrasekharaiya *dissenting.*) 226

72. *Qualifications of candidates :*—(*a*) The qualifications of the candidates may be the same as those for the voters. 227

(*b*) The candidates should be required to sign a pledge or declaration to the effect that if elected they would make every endeavour possible to understand the aims and policies of the Government in relation to the issues to be considered by the Federal Legislature, and conduct themselves as members thereof with a conscientious regard for the interests of the State. 227

73. *Relations of the representatives with the Government :*—The Government may place the representatives in possession of facts relating to the subjects which may come up in the Federal Legislature and also communicate their own views or suggestions to them. 228

## IX. Miscellaneous Provisions.

74. *Fundamental Rights :*—The following fundamental rights of the people may be recognised by the Government in such manner as the Government may consider suitable :—

(i) No person shall be deprived of his liberty nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law.

(ii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iii) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to law, public order or morality.

(iv) All citizens, not excluding the so-called untouchables, are equal before the law and possess equal civic rights.

(v) There shall be no penal law, whether substantive or procedural, of a discriminative nature.

(vi) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(vii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(viii) No person shall merely by change of faith lose any civic right or privilege or be subject to any penalty.

(ix) Subject to the maintenance of public peace and order, all citizens have an equal right of access to, and use of, public roads, wells and tanks and all other places of public resort.

(x) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xi) Men and women shall have equal rights as citizens.

(xii) The protection of their culture, language, script and education will be guaranteed to all minority communities.

229–33

75. *Public Services Commission*:—(*a*) A Public Services Commission may be constituted by His Highness for the purpose of making recommendations to the Government in regard to all appointments which carry a monthly salary of Rs. 25 and above, appointments below Rs. 25 being left to be made by the officers concerned in accordance with the rules that may be issued in that behalf. (Messrs. B. S. Puttaswamy and S. C. Malliah *dissenting*.)

(*b*) The Commission should be consulted in regard to the principles to be followed in respect of transfers and promotions from one service to another, and also regarding the suitability of candidates for such promotions and transfers.

(*c*) All appointments are to be made by the Commission, having first regard to the efficiency of the public services and the merits of the candidates, and subject to that, to the principle of giving a fair opportunity to all communities for a share in the public services of the country.

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76. *Independence of the Judiciary* :—It is recommended (Mr. P. Mahadevayya *dissenting*) that :

(*a*) The Judges of the High Court should not be granted an extension of service beyond the age prescribed generally for their superannuation, though they may be removed by His Highness for misbehaviour, incapacity or infirmity at any time before it ;

(*b*) they should not be eligible for any other appointment or office of profit under the Government either before or after retirement ; and

(*c*) the terms of their appointment such as salary should not be varied during their term of office. 237

77. *Local self-government* :—(*a*) All city and town municipalities may be given the privilege of electing their own Presidents.

(*b*) A whole-time officer may be appointed with the necessary powers to watch and supervise local self-governing institutions, to co-ordinate their work and do all things necessary for improving their efficiency. 238

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# APPENDIX I.

## GOVERNMENT ORDERS RELATING TO THE COMMITTEE ON CONSTITUTIONAL REFORM IN MYSORE.

### (1)

### GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

**G. O. No. 2691-2751—C. B. 165-37-1, dated 1st April 1938.**

At the meeting of the Legislative Council held in January, 1938, after the discussion of certain resolutions on the subject, the Government expressed their intention of taking up the examination of the question of constitutional reforms in the State. Under the gracious orders of His Highness the Maharaja, they now proceed to implement this undertaking.

In view of the special character of the Mysore constitution it is desirable to glance back very briefly over the history of the developments that have taken place up to this time.

2. The association of the people with the Government has in Mysore a very long history. In the sphere of local self-government the constitution of local municipal committees dates back to 1862. Soon after his assumption of power in 1881, His Highness the late Maharaja Sri Chamarajendra Wadiyar Bahadur, actuated by a deep and genuine desire that " the views and objects which his Government had in view in the measures adopted for the administration of the State should be better known and appreciated by the people for whose benefit they were intended, " constituted the Representative Assembly, as a first step in the direction of ensuring that " the actions of the Government should be brought into greater harmony with the wishes and interests of the people." The policy of associating the people with the administration of the State inaugurated at so early a date, and much in advance of any similar development elsewhere in India, was carried a step further in 1907 by His Highness the present Maharaja when he constituted the Legislative Council in order to associate in the actual process of the making of laws and regulations non-official gentlemen qualified by practical experience and knowledge of local conditions and requirements.

3. The two bodies thus established have, in the process of their evolution, been granted a constitutional status. Their powers and functions have been enlarged and the franchise extended step by step as the outcome of the benevolent desire of His Highness to secure in an increasingly large measure the association of his subjects with the Government of his State. That association has throughout been developed in a manner in consonance with truly Indian traditions,

not relieving the Ruler and his Government of the duty of administration, but providing ampler opportunities for His Highness's subjects to represent their wants and to take their part in the service of the State.

4. In this history of constitutional development, the years 1923 and 1924 stand out as especially important. It was in the former year that the Committee on Constitutional Developments, which was presided over by *Rajatantrapravina* Sir Brajendranath Seal, made its report. That Committee examined in detail the whole theory of government as applied to a State, in which the Ruler remains supreme but desires to give as large a share as possible in the government to representatives of his people. The Committee enunciated some fundamental considerations relating to constitutional reform in Mysore.

" In the first place, a constitution is not made but grows. The new plan must evolve out of historic conditions and traditions in response to new needs and new facts. In Mysore we have had certain unique constitutional and ultra-constitutional developments in the past, notably the Representative Assembly and the Economic Conference, unknown to British India. We have also had in the Legislative Council the rudiments of a legislature intended to voice the collective will of the people. We have, finally, the basic tradition of the sovereignty of the Head of the State as the one original organ as regards all functions, legislative, judicial and executive—a feature which Mysore possesses in common with many other states, Indian as well as foreign. All new constructions to-day must build on these foundations." The Committee pointed out that " the Head of the State in Mysore is the Supreme Executive Head as well as the source (and sanction) of law. "

5. The proposals put forward by the Committee were, in the main, accepted by the Government. In the course of the message delivered on the 12th of March, 1924, to the joint session of the Representative Assembly and the Legislative Council, His Highness the Maharaja was pleased to describe the constitution, as then developed, as one " sufficiently flexible to expand with the expanding political consciousness of the people ", and to declare that " in making our plans for the future we have got to take note of the tremendous changes of the recent past. "

His Highness was pleased to observe further,

" India, under the beneficent guidance of the British nation, is shaping into a federation of Provinces and States. We in Mysore form, as it were, a nation within a nation. While co-operating with both the Government of India and the rest of the Indian public in measures which lead to the prosperity of the country as a whole, we in our local sphere should promote education and economic growth to the fullest extent permitted by our resources, so that our people may not fall behind other Provinces and States in the race of progress. That the history of Mysore in the recent past has run smoothly is a good omen for the future. We have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment

of the people, and the quickening and the utilising of their energies in the business of the State. Progress of this kind has been the constant aim of the Government of Mysore. The ceremony which I am performing to-day is thus a step in a continuous and well-ordered process of development, which has been going on for over forty years ; and it is my hope that the process will continue with the same adaptability in the future.

* * * * *

" This day, therefore, marks the dawning of a new era in the history of Mysore. My faith in the power and willingness of my people to render patriotic service is firmly rooted in experience, and you may rely on my abiding sympathy with your aspirations. If every act of yours is guided by common sense, goodwill and useful study of facts and of experinence, if your new powers are used only for the promotion of the common good, you cannot fail to rise in power and influence. You will help to build up the prosperity and reputation of our State, and will become custodians with me of its permanent interests. "

6. In providing for the further development which was contemplated in this gracious pronouncement, it is desirable to consider in the first place the developments that have taken place both inside and outside the State since it was made.

7. To consider the internal developments in the first instance. With the constitutional reforms of 1923-24, Standing Committees have been appointed for Finance, Railways and Public Works, Local Self-Government, Medicine and Public Health. The Committee on Public Accounts is empowered to scrutinise the expenditure of the State and to submit its observations to the Legislative Council. Recently, Government have announced their intention of appointing a special committee to advise them on constitutional and political questions. At the same time, decisions on many matters of current importance have been taken only in the light of the advice received from *ad hoc* committees set up for their investigation. The Traffic Board, the Board of Industries and Commerce, the Stores Purchase Committee, the Central Recruitment Board and the Krishnaraj Sagar Committee are vested with administrative and quasi-administrative functions in their respective spheres. All these bodies which are in practical working form part of the complicated machinery of Government.

The devolution in respect of the administration of local affairs has been extensive. The District Boards, as reconstituted by the Act of 1926, have been given the privilege of electing their own presidents. The local bodies have also been vested with the administration of primary education as local education authorities. One of the most important features of local administration in recent years has been the revival of village panchayets by the Act of 1926. There are nearly 11,600 of these bodies exercising their full functions, levying taxes and contributing in a large measure to the processes of rural reconstruction.

8. Meanwhile, there have been vast changes outside the State. In the world at large changes in political ideas and forms of government have been rapid and revolutionary. The speeding up of transport and

the multiplication of means of communication have altered the outlook of large numbers of the population. In British India the Provinces have been given what is known as provincial autonomy. The Government of India Act has been passed and it contains provisions which intimately affect this State. The Act defines matters which are to go before the federal legislative bodies and assigns to this State three seats on the Council of State and seven seats in the Federal Legislative Assembly, and a decision has now to be arrived at as to how to secure, taking into consideration the matters that will come under discussion, the best possible representatives of the State, and how to determine the relations of the State's representatives on these legislative bodies with the Government of the State and the exisiting representative bodies inside it.

9. In view of all these circumstances, His Highness the Maharaja and his Government have for some time past been giving consideration to the question of reviewing the experience gained during the past fourteen years of the working of the constitutional bodies in the State with a view to determining the lines of their further development; and from time to time suggestions in regard to these matters have been received from representatives of the public.

10. It has been accordingly decided to appoint a Special Committee for the purpose of examining, in relation both to the public administration and to the public life of the State, the development and working of the Representative Assembly and the Legislative Council, as well as the other representative bodies and institutions connected with them, such as Standing Committees. The Committee will consist of the following:—

### Chairman.

Rajasabhabhushana Diwan Bahadur
MR. K. R. SRINIVASA IYENGAR.

### Members.

#### Official.

Rajakaryapravina MR. N. S. SUBBA RAO,
VICE-CHANCELLOR, MYSORE UNIVERSITY.

2. MR. K. V. ANANTARAMAN, REVENUE COMMISSIONER.

#### Non-Official.

1. MR. B. CHANDRASEKHARA SETTY, M.R.A.
2. MR. K. CHENGALARAYA REDDY.
3. MR. D. H. CHANDRASEKHARAIYA, M.L.C.
4. DR. F. X. DeSOUZA, LATE I.C.S., M.L.C.
5. MR. D. V. GUNDAPPA, M.L.C.
6. Rajacharitavisharada Rao Sahib MR. C. HAYAVADANA RAO, M.L.C.

7. Rajasevasaktha MR. S. HIRIANNAIYA.
8. MR. J. MAHOMED IMAM, M.L.C.
9. Khan Bahadur MR. MAHOMED ABBAS KHAN, M.L.C.
10. MR. C. NARASIMHAIYA.
11. MR. B. S. PUTTASWAMY, M.L.C.
12. MR. T. RAMACHANDRA, M.L.C.
13. Rao Bahadur MR. M. C. RANGIENGAR.
14. SRI. K. D. RUKMINIAMMA, M.R.A.
15. MR. P. SUBBARAMA CHETTY, M.L.C.
16. THE REV. W. E. TOMLINSON.
17. MR. V. VENKATAPPA, M.L.C.

## Secretary.

MR. K. GURU DUTT.

## Assistant Secretary.

MR. M. K. VARADARAJAN.

11. The Committee is requested to formulate, having due regard to the present state of education and public spirit, the growing political consciousness of the people and other relevant factors, such as the practical efficiency of the District Boards and Municipalities and Panchayets, comprehensive proposals as to the further changes which may be desirable in order to secure the steady and harmonious constitutional progress of the State from the point of view of all the interests concerned. In particular the Committee is requested to deal with the following questions :—

(i) The composition, functions and powers of the Representative Assembly and the Legislative Council, respectively, having special regard, among other matters, to the possibility of the extension of the franchise and to the representation of special interests and minorities which have developed since 1924.

(ii) The relation of the two Houses to each other and to the Executive Authority of the State.

(iii) Their sessions, duration and dissolution.

(iv) Their Presidents and other functionaries.

(v) Allowances and honoraria payable to their members and officers.

(vi) Their privileges and the privileges of their members, and remedies in cases of breach of privilege.

(vii) Their power to appoint committees and to delegate authority to such committees.

(viii) The safeguards necessary for minority groups, special interests and emergencies.

(ix) The method of appointment of representatives of the State to the two Houses of the proposed Federal Legislature, and their relations with the Government and the legislative bodies in the State.

12. The Committee will have power to enquire fully into the above and all cognate questions, to call for information and opinions from Government officers and experts as well as from members of the public and public bodies, to interview and examine witnesses and to make recommendations on all matters pertaining to the development of the constitution, the object in view being, on the basis of the ideals and principles enunciated in the gracious message of His Highness the Maharaja quoted above, to promote the contentment and well-being of all classes of His Highness's subjects, and to increase the scope for their exercise of the duties and privileges of citizenship.

The Committee will meet at Bangalore and the Chairman and nine Members will constitute a quorum.

The Secretaries to Government and all other officers of Government are requested to furnish the Committee with any information at their disposal on requisition from the Secretary to the Committee.

The Superintendent, Government Printing and Stationery, is requested to comply with all requisitions from the Committee for printing and stationery.

B. T. KESAVIENGAR,
*Chief Secretary to Government.*

(2)

**G. O. No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938.**

READ—

Government Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the development and working of the Representative Assembly and the Legislative Council as well as the other Representative Bodies and Institutions connected with them and to formulate comprehensive proposals as to the further changes which may be desirable in order to secure the steady and harmonious constitutional progress of the State.

ORDER NO. 3271-3371—C. B. 165-37-2, DATED BANGALORE, THE 26TH APRIL, 1938.

Government are pleased to nominate Mr. S. C. Malliah, Representative Assembly Member, as a member of the Committee referred to in the Government Order read above.

H. V. RAMASVAMI,
Offg. *Chief Secretary to Government.*

(3)

**G. O. No. 3862-3931—C.B., dated Mysore, the 17th May, 1938.**

The Government of His Highness the Maharaja greatly deplore the misunderstandings which have lately arisen, and which have interrupted that co-operation between the Government and all sections of the people which is so necessary for the constitutional progress of the State. Above all, His Highness the Maharaja and his Government deeply regret the tragic happening at Viduraswatha. They express again the deep sympathy which they feel for any innocent sufferers, and for the relations or dependents of all the sufferers in that unhappy incident. His Highness's subjects are aware that an impartial body of eminent gentlemen of high judicial experience has been appointed to investigate the whole matter, and that the Government are determined that the causes of the occurrence and sequence of events should be fully examined and brought to light.

2. His Highness's Government are happy to feel that these misunderstandings are now being cleared away and that the time has come when, with renewed vigour, the Government and all subjects of His Highness may together approach the task of determining how best the people may be further associated in the work of government—a task which will require the sustained and devoted labour of all who are anxious to promote the welfare of the State. With the assurance of this co-operation His Highness's Government are pleased to make the following declarations.

3. The Government understand that the Mysore State Congress are prepared now to co-operate with the Government in the task of constitutional reform; that they will act as a political party formed within the State and composed of subjects of His Highness, and that they intend to carry on their work in a peaceful and constitutional manner, as befitting a party which has declared its aim to be the attainment of responsible government under the ægis of His Highness the Maharaja. Having this belief, His Highness's Government are prepared to recognise the Mysore State Congress as a political organisation.

4. The Government desire that all political organisations within the State should have the fullest opportunity to make constructive proposals in the Committee on Constitutional Reforms, and are, therefore, pleased to add to the members of that Committee three new members to be selected by the Mysore State Congress. They confirm explicitly, as they have previously made clear and as is implied in the Committee's terms of reference, that it is open to the Committee to discuss and recommend any plan for constitutional reform, including a plan for responsible government under the ægis of His Highness the Maharaja.

5. A powerful cause for misunderstanding has been cleared away by the declaration of the Mysore State Congress that the hoisting by it of the flag of the Indian National Congress has never been intended to be derogatory, hostile or disrespectful to the Mysore flag or to the throne of His Highness the Maharaja. To make this clear, the party, accepting the advice of Mahatma Gandhi, have decided that on all

ceremonial occasions it shall hoist the Mysore flag and the flag of the Indian National Congress together, hoisting the latter flag alone at purely party meetings only. The Government have recently declared that their policy regarding the hoisting of the flag of the Indian National Congress is solely dictated by their determination—a determination that is shared by all His Highness's loyal subjects—that no act should be done or ceremony performed within the State which can be construed in any way as being inconsistent with that devotion and loyalty to His Highness the Maharaja which is felt throughout the length and breadth of the State. His Highness's Government are glad to know that the Mysore State Congress have unequivocally declared their loyalty in this way, and feel that no further misunderstanding need arise. They foresee no difficulty in adjusting points of detail which have not been made clear in the party's declaration, and propose to issue a further memorandum on these points shortly.

6. The Government understand that the Mysore State Congress, being prepared to co-operate with the Government in the onerous tasks which lie ahead, will now withdraw their civil disobedience and no-tax campaigns.

7. His Highness's Government, being assured that the recent clouds upon the political life of the State have been happily lifted, have already been pleased to order that all political prisoners should be released and all prohibitory orders withdrawn. These orders have been given effect to as far as has been practicable, and further orders in respect of pending cases are shortly to be issued. This act will, they hope, mark the conclusion of a period of doubt and difficulty, and the inauguration of a new era of progress and prosperity in the State.

H. V. RAMASVAMI,
Offg. *Chief Secretary to Government*

## (4)

**G. O. No. 4165-4222—C. B. 165-37-10, dated 9th June, 1938.**

Government are pleased to appoint the following as additional members of the Special Committee, constituted in Government Orders No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938 and No. 3271-3371—C. B. 165-37-2, dated 26th April, 1938, to examine and formulate comprehensive proposals to secure the steady and harmonious constitutional progress of the State :—

1. Mr. K. T. Bhashyam Iyengar, M.R.A.
2. „ R. Chennigaramiah, M.R.A.
3. „ H. C. Dasappa.
4. „ H. B. Gundappa Gowda, M.L.C.
5. „ Mahomed Hanief.

H. V. RAMASVAMI,
Offg. *Chief Secretary to Government.*

(5)

READ

Government Order No. 2691-2751—C. B. 165-37-1, dated 1st April, 1938, appointing a Committee to examine the development and working of the Representative Assembly and the Legislative Council, as well as the other representative bodies connected with them, and formulate proposals as to the further changes which may be desirable in order to secure the steady and harmonious constitutional progress of the State, and appointing Mr. K. V. Anantaraman as one of the members of the said Committee.

ORDER NO. 1634-70—C. B. 165-37-24, DATED, BANGALORE, THE 16TH NOVEMBER, 1938.

Government are pleased to direct that *Rajadharmapravina Diwan Bahadur* Mr. P. Mahadevayya be appointed a member of the Committee constituted in the Government Order read above, *vice* Mr. K. V. Anantaraman (resigned) with effect from the 17th November, 1938.

A. SUNDARARAJA RAO,
For *Chief Secretary to Government.*

## APPENDIX II.

*Letter dated 17th January, 1939, from the Secretary, the Mysore Congress, to the Chairman, Committee on Constitutional Reform in Mysore.*

DEAR SIR,

I am enclosing a copy of the resolution adopted by the Working Committee of the Mysore Congress at its meeting held this morning for your kind information and request you to please place it before the Committee. I am to inform you that in pursuance of the said resolution, the Congress nominees on the Reforms Committee will not be attending the sittings of the Committee.

Yours Sincerely,
K. CHENGALARAYA REDDY.

(ENCLOSURE.)

*Resolution passed by the Working Committee at its meeting held on 17th January, 1939.*

Whereas according to the terms of the settlement which resulted in the Government Order of 17th May, 1938, the Government agreed to treat Messrs. V. Venkatappa, D. H. Chendrasekharaiya, Bhoopalam Chendrasekharaiya and K. Chengalaraya Reddy who had already been appointed to the Reforms Committee and who had refrained from co-operating with the said Committee in accordance with the directions of the Mysore State Congress, as nominees of the Congress which institution was duly recognised by the Government under the said Government Order, and three more members chosen by the Mysore Congress were added to the Committee, making in all 7 nominees of the Mysore Congress on the Committee,

Whereas it is clear from the above as well as from Mr. Bhoopalam Chendrasekharaiya's admissions evidenced by the pledge form which he along with other nominees of the Mysore Congress has signed to the effect that he has agreed to serve on the Reforms Committee as a representative of the Mysore Congress and undertaken to be responsible to and act according to the directions of the Congress from time to time and has also made his position clear by various other statements and has acted throughout on the Reforms Committee in his representative capacity only,

Whereas Mr. Bhoopalam Chendrasekharaiya has now ceased to be a member of the Mysore Congress, in view of which the Mysore Congress treating him no longer as its nominee on the Reforms Committee has requested the Government to fill up the vacancy caused thereby by the appointment of Shri, H. Siddiah of Shimoga and,

Whereas the Government which was bound to nominate Mr. H. Siddiah as desired by the Mysore Congress has in its reply dated 6-1-1939 neither given a satisfactory reply in this behalf nor has as yet replied to a subsequent communication explaining the position of the Congress,

The Working Committee feels that until the vacancy is filled up as desired by the Mysore Congress, the Congress cannot honourably function on the Reforms Committee through its representatives, and therefore resolves :—

(1) to address the Government once again in the matter calling for an honourable and satisfactory settlement of the question and

(2) to direct the nominess of the Congress on the Reforms Committee to refrain from attending any meeting of the Committee until the matter is finally and honourably settled.

BANGALORE CITY,
*17th January, 1939.*

K. CHENGALARAYA REDDY

# APPENDIX III.

## Details of the Sittings of the Committee on Constitutional Reform.

| *Session* | *Date* | *Nature of work done* |
|---|---|---|
| I | 28th April, 1938 | Preliminary discussions regarding procedure. |
| II | 2nd July, 1938 | |
| III | 16th July, 1938 | |
| IV | 4th August, 1938 | |
| V | 5th to 8th September, 1938 | Taking of evidence. 5 witnesses examined. |
| VI | 19th to 21st September, 1938 | 6 witnesses examined. |
| VII | 17th to 20th October, 1938 | 12 do do |
| VIII | 10th to 12th November, 1938 | 5 do do |
| IX | 30th November, 1938 | 3 witnesses examined. Oral evidence concluded. |
| | 1st and 2nd December, 1938 | General discussions on the terms of reference. |
| X | 13th to 15th December, 1938 | |
| XI | 17th to 19th January, 1939 | Discussions regarding the Representative Assembly and its powers of legislation. |
| XII | 6th to 10th February, 1939 | Discussions regarding the composition and strength of the Representative Assembly, and the Franchise. |
| XIII | 20th to 24th February, 1939 | Discussions regarding the general powers of the Representative Assembly and the Legislative Council, and the electorates. |
| XIV | 13th to 17th March, 1939 | Discussions regarding the Executive and its relation to the Legislature. |
| XV | 27th to 29th March, 1939 | Discussions regarding the selection of State's representatives to the Federal Legislature and declaration of goal of reforms. |
| XVI | 12th to 15th April, 1939 | Discussions regarding Fundamental Rights, Safeguards for Minorities, Independence of Judiciary and the Public Services Commission. |
| XVII | 1st, 2nd, 4th and 5th May, 1939. | Discussions regarding women's electorates and other miscellaneous subjects and reconsideration of tentative decisions. |
| XVIII | 24th to 29th July, 1939 | Consideration of the first three chapters of the Draft Report. |
| XIX | 2nd to 5th August, 1939 | Consideration of the remaining chapters of the Draft Report. |
| XX | 24th August, 1939 | Adoption of the Report. |
| | Total ... (64 days) | |

## APPENDIX IV.

**List of persons and associations from whom memoranda were received by the Committee on Constitutional Reform.**

1 Mr. E. W. Rutherford, Ballupete P. O.
2 Mr. R. C. Morris, Honnamatti Estate.
3 Mr. B. Nanjundiah, Advocate, Bangalore City.
4 Mr. B. Donappa, President, Jagalur Municipality.
5 Mr. D. Venkatesaiya, Advocate, Kolar.
6 Mysore Planters' Association, Chikmagalur.
7 Mr. K. Venkataramiah, Robertsonpet.
8 Indian Christian Association, Bangalore.
9 Mr. K. Rangiengar, Advocate, Tumkur.
10 Jyotinagara Vysya Mahajana Sangha, Bangalore.
11 Mr. Vajapeyam Venkatesiah, Member, Representative Assembly, Bangalore.
12 Mr. C. Chennakesaviah, Advocate, Chitaldrug.
13 Mr. K. Shankaranarayana Udupa, Shimoga.
14 Mr. C. N. Ramachandra Rao, Member, Municipal Council, Channapatna.
15 Mr. Hajee Doulat Khan, Member, Representative Assembly, Channapatna.
16 Mr. Nawab Sher Khan of Honnali.
17 Mr. Beluriah, Member, Representative Assembly, Hole-Narsipur.
18 Mr. G. N. Revappa, Vice-President, Vadigenahalli Municipality.
19 Mr. K. Seshagiri Rao, Advocate, Basavangudi, Bangalore.
20 Mr. Mirle Muniyappa, Vice-President, Yelahanka.
21 Mr. G. Shantavirappa, Retired Personal Assistant to the Inspector-General of Police, Chamarajpet, Bangalore.
22 Mr. S. I. Mumtaz, Member, Representative Assembly, Channapatna.
23 Anjuman-Mufidul Islam, Belur.
24 Mr. K. Seshadri, Advocate, Mysore.
25 Mr. B. Rudrappa, Mysore.
26 Mr. Mohammed Valiulla, Advocate, Mysore.
27 Mr. Tudki Ramanna, Member, Representative Assembly, Thirthahalli,
28 Members of the Sargur Municipality.
29 Mr. G. Ramanuja Iyengar, Advocate, Mysore.
30 Mr. M. G. Rangaiya, Retired Chief Engineer, Bangalore.
31 Mr. Mala Reddy, Member, District Board, Tumkur.
32 Mr. B. Kappanna Gowda, Member, District Board, Tumkur.
33 Mr. S. Hanumantharayappa, Member, District Board, Tumkur.
34 Mr. N. T. Gopalaiengar, Retired District and Sessions Judge, Bangalore.
35 Yadava Sangha, Bangalore.
36 Mr. T. Satyaraja Chetty, Retired Comptroller, Bangalore.
37 Mr. S. Basavalinge Gowda, Member, Municipal Council, Saklespur.

38 Mr. K. T. Seshaiya, Advocate, Belur.
39 Mr. S. R. Sampath Iyengar, Advocate, Mysore.
40 Mr. Sankaralinge Gowda, Nagamangala.
41 Members of the Gundlupet Municipal Council.
42 Sri Visvakarma Samaj, Mysore.
43 Mr. V. R. Thyagaraja Iyer, Retired Excise Commissioner, Basavanagudi, Bangalore.
44 Messrs. Mirle N. Srikantaiya and Nanjundaiya, Advocates, Mysore.
45 Mr. T. Rangaswamy Iyengar, Advocate, Mysore.
46 Sri D. Sakamma, President, Kuruhina Setty Sangha, Bangalore
47 Mr. Ramasanjiva Setty, Jangamkote, Bangalore District.
48 Kolar Gold Field Mining Board, Oorgaum.
49 Bar Association, Mysore.
50 Mr. N. Narasimhamurthy, Retired Librarian, Mysore University, Mysore.
51 Mr. S. V. Nanjappa Setty, Jangamkote.
52 Mr. V. Subrahmanya Iyer, Retired Registrar, Mysore University.
53 Mr. T. S. Alikhan, Member, Municipal Council, Mysore.
54 Mr. A. E. Perkins, Diddapura, Chamarajnagar.
55 Mr. Sesha Sarma, Manager, Shankara Mutt, Srinivaspur.
56 Mr. B. Venkataramiah, Basaralu Village, Mandya Taluk.
57 Mr. Chickramegowda, Settihalli, Kolar District.
58 Messrs. S. Ramappa, Vice-President, Kolar District Board and K. M. Nanjundappa, Member, Representative Assembly, Kolar.
59 Mr. H. Narasimhaiya, Advocate, Shimoga.
60 Mr. R. B. Siddabasavaradhya, Member, District Board and Representative Assembly, Kolar.
61 Mr. T. Ramachar, Member, Legislative Council, Kolar.
62 Messrs. S. Venkataswamy Gowda, Member, District Board and Representative Assembly, Kolar, and K. Ramaswamiah, Member, Municipal Council, Kolar.
63 Mr. M. A. Gopalaswamy Iyengar, Advocate, Bangalore.
64 Mr. Khaji Abdul Satar Sahib, Municipal Councillor, Shimoga.
65 Mr. Devadu Narasimhasastry, Journalist, Shankarpur, Bangalore.
66 Mr. T. S. Rajagopala Iyengar, Advocate, Mysore.
67 Municipal Councillors of Kolar Municipality.
68 Mr. M. K. Sampangiramiah, Advocate, Chikballapur.
69 Mr. B. Subbraya Bhatta, Mulbagal Mutt, Tirthahalli.
70 Mr. R. Muniswamiah, Chairman, Vanhivamsha Kshatriasabha, Ramagondahalli.
71 Mr. Mir Raza Ali Saheb, Member, District Board, Periyapatna.
72 Mr. G. Girimaji Rao, Member, Legislative Council, Kolar.
73 Mr. B. Dondegowda, Member, Representative Assembly, Buvanahalli.
74 Law Association, Shimoga.
75 Mysore State Muslim League, Bangalore.
76 Mr. M. Lakshminarayana Rao, Advocate, Mysore.
77 Mr. G. M. Siddaramappa on behalf of the Hindus of Shikarpur Taluk.
78 Sri Geethapracharini Sabha, Mysore.
79 Yajaman Veerabhadrachar, Member, Representative Assembly, on behalf of the Visvakarmas assembled at Panchanandi, Kolar District.

80 Mr. M. Gurusiddappa, Member, Representative Assembly, Davangere.
81 Law Association, Bangalore.
82 Patel Channabasappa, Chairman, Village Panchayet, Kandagal, and Mr. H. G. Mahadevappa, Chairman, Hanumanahalli Village Panchayet, Davangere Taluk.
83 Patel Bale Gowda, Member, Representative Assembly, Bidanagere, Kunigal Taluk.
84 *Dharmapravartha* M. L. Nagappa Setty, Merchant and Coffee Planter, Chikmagalur.
85 Mr. T. Gundappa, Advocate, Mysore.
86 Mr. H. M. Channabasavappa and others.
87 Mr. B. K. Madhava Rao, Pleader, Mysore.
88 Vokkaligara Sangha, Bangalore.
89 Mr. M. A. Doreswamy Iyengar, Advocate, Mysore.
90 Mr. H. K. N. Acharya, Advocate, Shimoga.
91 Anjuman-E-Mahdavia Dairat-ul-Islam, Channapatna.
92 Mr. C. S. Narayana Setty, Davangere.
93 Mr. H. S. Suryanarayana Rao, Member, Representative Assembly, Channapatna.
94 Law Association, Kolar.
95 Vidyasala Pandita Mandala, Mysore.
96 Mr. Ramaswamy Iyengar, Agalgrama, Krishnarajpet Taluk.
97 Mr. N. Rama Rao and other residents of Krishnarajanagar Taluk.
98 Secretary, Shanbhog Sangha, Bangalore.
99 The Central Mahomedan Association, Bangalore.
100 Sanatana-Dharma Sabha, Mysore.
101 Mr. K. Ibrahim Khan, Member, District Board, Kirgaval, Malvalli Taluk.
102 Mr. H. V. Narayana Rao, Advocate, Bangalore.
103 Mysore State Women's Conference, Bangalore.
104 Mr. H. R. T. Rajagopala Mudaliar, Vice-President, Municipal Council, Hunsur.
105 Mr. Chamundiah, Timber Merchant, Bamboo Bazaar, Mysore.
106 Mr. B. Puttaiya, Retired Superintendent, Government Press, Bangalore.
107 Mr. B. R. Krishnamachar, Retired District and Sessions Judge, Basavangudi, Bangalore.
108 Mr. N. Narasimhamurthy and other residents of Nagamangala Taluk.
109 The Agent, Ahobala Mutt, Mysore.
110 Adijambava Abhivriddhi Sangha, Bangalore.
111 Anjuman-e-Islamia, Gundlupet.
112 The Secretary, Vanhikula Kshatriya Sangha, Bangalore.
113 Mr. T. Venkatarayappa, Chintamani.
114 Executive Committee of the Anjuman-e-Rifahul Muslameen, Civil and Military Station, Bangalore.
115 Mr. N. Rama Rao, Retired Director of Industries and Commerce, Bangalore.
116 Mr. Abdur Rahiman Faizi, President, Anjuman-e-Subhanul Muslameen, Civil and Military Station, Bangalore.
117 Patel Chennabasaviah, Davangere.
118 Mr. G. Veerappa, Vakil, Davangere.

119 Mr. L. S. Raju, Advocate, Bangalore.
120 Mr. J. R. Isaac, Cenotaph Road, Bangalore.
121 Central Council of the Mysore Lawyers' Conference, Bangalore.
122 Moin-ul-Vizarath A. K. Syed Taj Peeran, Retired Deputy Commissioner, Bangalore.
123 Mr. B. Narayanaswamy, Lawyer, Mysore.
124 Dr. *Arthasastravisharada Mahamahopadhyaya* R. Shama Sastry, Retired Director of Archæology, Mysore.
125 Mr. B. M. Shivaramiah, Pleader, Nanjangud.
126 Mr. H. S. Pattabhiramiah, Landlord, Kolar Gold Field.
127 Mr. Bhaktar Saheb, Member, District Board, Kodigenhalli.
128 Mr. R. M. Patel, Select Pictures Circuit, Bangalore.
129 Mr. A. S. Lakshminarasimham, Mysore.
130 *Rajamantrapravina Diwan Bahadur* P. Raghavendra Rao, Retired Member of Council, Bangalore.
131 Mr. Balamukunda Jois, Thirthahalli.
132 Mrs. P. G. D'Souza, Member, Representative Assembly, Bangalore.
133 Mr. Sylvester Pais and 11 other signatories, Chikmagalur.
134 Mr. A. Sitaramiah, Advocate, and 26 other signatories, Mysore.
135 Mr. H. Ramadasappa, Retired Amildar, Mysore.
136 *Rajakaryapravina* P. G. D'Souza, Retired Member of Council, Bangalore.
137 All-Mysore State Muslim League, Bangalore.
138 Arya Vysya Sangha, Mysore.
139 Mr. L. Vema Reddy, President, Malur Municipality, and Member, Representative Assembly, Malur.
140 Mysore State Congress.
141 Mr. M. Ramaswamy, Advocate, Bangalore.
142 Indian Planters' Association, Chikmagalur.
143 Muslim Association, Tarikere.
144 Mr. G. R. Mahabala Bhatta, Durvasapura, Shimoga.
145 Mr. M. Ramaswamy Sastry, Manchanahalli, Nagar Taluk.
146 Mr. Jatre Naik, Member, Representative Assembly, Hiriyur.
147 Mr. K. Puttanna, Hongenahalli, Mandya Taluk.
148 Mr. P. Sundara, Member, Representative Assembly, Bangalore.
149 Indian Catholic Association, Bangalore.
150 Mr. P. Murugesam Pillay, Bangalore.
151 Mr. Gurunath Krishna Nadiger, Member, Representative Assembly, Sorab.
152 Mr. P. Sitaramiah, Advocate, Mysore.
153 Mr. Y. M. Doddappa, Municipal Councillor, Davangere.
154 Sri D. Sakamma, Member, Representative Assembly, Bangalore.
155 Muslim Residents of Nagamangala.
156 United National Indian Christian Congress, Mysore.
157 Mr. Gadaginamatada Andanappaiah, Davangere.
158 Mr. C. L. Gowda, Advocate, Bangalore.
159 Mr. S. Narayana Rao, Retired Senior Assistant Commissioner, Bangalore.
160 Mr. B. S. Ameer Ahmed, Timber Merchant, Bangalore.
161 Merchants' Association, Shimoga.
162 Mr. K. Seshadri, Secretary, Harijan Sevak Sangha, Mysore.
163 Malnad Agriculturists' Association, Thirthahalli.

164 Mr. Mallari Rao, Municipal Councillor, and 1,000 residents of Madhugiri town and surrounding villages.
165 Mysore Jaina Association, Mysore.
166 Mysore State Adikarnataka Sangha, Bangalore.
167 *Rajakaryaprasakta Rao Bahadur* M. Shama Rao, Retired Inspector-General of Education, Bangalore, and Mr. B. Garudachar, Advocate, Shimoga.
168 Mr. N. Subba Rao, Tippur, Krishnarajanagar Taluk.
169 Mysore Co-operative Institute, Bangalore.
170 Mr. H. Srinivasa Rao, Advocate, Shimoga.
171 Welfare Committee, Bangalore Woollen, Cotton and Silk Mills Co., Ltd., Bangalore.
172 Mr. H. M. Krishnaswamy, Retired District and Sessions Judge, Mysore.
173 The Secretary, Mysore Chamber of Commerce, Bangalore.
174 Protestant Christian Association, Bangalore.
175 European Association, Bangalore.
176 Sri B. S. Vengadamma (Mrs. Belur Srinivasa Iyengar,) Bangalore.
177 Mr. A. M. Venkatasamiah, Vice-President, Municipal Council, Closepet.
178 Mr. M. B. Gurulingiah, Member, Representative Assembly, Mayaganahalli, Closepet.
179 Mr. B. C. Siddalingappa, Member, District Board, Bidadi.
180 Mr. T. Krishna Rao, Journalist, Mysore.
181 Sindhi Bankers' Association, Bangalore.
182 Mr. T. S. Sri Ramiah, Clerk, Bhadravati Iron and Steel Works Co-operative Society, Bhadravati.
183 Kurubara Sangha, Bangalore.
184 Shanbbog Association, Nanjangud.
185 Mr. B. Ramakrishnan, Seshadripuram, Bangalore.
186 Mr. G. Selvapillai, Landholder, Gorur, Hassan District.
187 Revised views of the Indian Christian Association, Bangalore.
188 Mr. S. Thimmarayappa, Krishnaraja Mohalla, Hundred Feet Road, Mysore.
189 Mr. Meppin, Norris Road, Bangalore.
190 The Anglo-Indian and Domiciled European Association, Mysore.
191 to 340 Resolutions of Adikarnataka Conferences, supporting views in items 110 or 166 above.
341 to 440 Resolutions supporting the Mysore Congress Scheme.

# APPENDIX V.

## List of witnesses examined by the Committee on Constitutional Reform.

1. Mr. M. A. Doreswamy Iyengar, Advocate, Mysore.
2. Mr. G. Girimaji Rao, Member, Legislative Council, Kolar.
3. Mr T. G. Narayana Iyengar, Advocate, Shimoga.
4. Mr. T. Gundappa, Advocate, Mysore.
5. Mr. T. S. Ali Khan, Member, Municipal Council, Mysore.
6. Mr. G. Ramanujiengar, Advocate, Mysore.
7. Mr. H. K. N. Acharya, Advocate, Shimoga.
8. Mrs. Mandyam and Sri Nanjamma (Mysore State Women's Conference), Bangalore.
9. Mr. A. Krishna Rao, Advocate, Mysore.
10. Mr. N. Rama Rao, Retired Director of Industries and Commerce.
11. Mr. M. Madiah, Secretary, Adikarnataka Sangha, Bangalore.
12. Messrs. A. L. Hill, A. Middleton and K. T. Seshaiya, Mysore Planters' Association, Belur-Hassan.
13. Mr. K. A. Rahim, Anjuman Mufidul Islam, Belur.
14. Mr. Bagamane Deva Gowda, Indian Planters' Association, Chikmagalur.
15. Mr. S. Venkataswami Gowda, Member, District Board, Kolar.
16. Three representatives of the Welfare Committee of the Bangalore Woollen, Cotton and Silk Mills, Co., Limited, Bangalore.
17. Mr. Hanumanthaiah, Representative of the Adi Jambava Sangha, Bangalore.
18. Mr. F. E. Silva, Indian Catholic Association, Bangalore.
19. Mr. Nawab Gulam Ahmad Kalami, Central Mahomedan Association, Bangalore.
20. Mr. J. R. Isaac, Indian Christian Association, Bangalore.
21. Mr. Khaja Mahomed Khader Sheriff, Mysore State Muslim League, Bangalore.
22. Mr. L. S. Raju, Advocate, Civil Liberties Union, Bangalore.
23. Mr. Patel Channabasappa, Kandegal.
24. Mr. O. S. N. Sheriff, Secretary, All-Mysore State Muslim League, Bangalore.
25. Mr. Patel Balegowda, Bidangere, Kunigal Taluk.
26. Messrs. R. W. Theobald and E. Miller, European Association, Bangalore.
27. Mr. B. Garudachar, Advocate, Shimoga.
28. Mr. H. S. Suryanarayana Rao, Member, Representative Assembly, Channapatna.
29. Mr. H. V. Narayana Rao, Advocate, Bangalore.
30. Mr. K. Rangiengar, Advocate, Tumkur.
31. Mr. C. N. Ramachandra Rao, Landholder, Channapatna.

## APPENDIX VI.

### Address of His Highness the Maharaja to the joint session of the Representative Assembly and the Legislative Council.

*12th March, 1924.*

*Members of the Representative Assembly and the Legislative Council*—It gives me sincere pleasure to inaugurate to-day the re-constituted Representative Assembly and Legislative Council. You, Gentlemen, represent an enlarged electorate, you have been returned under a wider franchise, and you start with increased powers and responsibilities conferred on you under my Proclamation of October last. You now represent your constituencies in a truer sense than ever before, and you have far greater opportunities of influencing the decisions of Government in accordance with popular demands. I welcome you to new opportunities of patriotic service, to expanding vistas of popular progress, and to responsibilities heavier than those so worthily borne by your predecessors.

I recall to my mind on this occasion the words which I spoke nearly twenty-one years ago when I opened the Representative Assembly in person for the first time after I assumed the reins of Government. The hopes I then expressed of the value of the yearly gatherings of the Assembly in contributing to the well-being and contentment of my subjects have been amply fulfilled. The Legislative Council, too, which came into existence in 1907 with certain important functions bearing on legislation, finance and administration generally, has fully justified expectations. Yet, you will realise that the changes which I am inaugurating to-day are fundamental, providing as they do for a far closer association of the representatives of the people with the administration, and affording a freer outlet for their natural and legitimate aspirations than seemed possible a few years ago.

I am aware that a section of my people were in favour of further radical changes, including a wider franchise and increased powers. While fully sympathising with their ideals, I may state that our decision was made after prolonged consultation. Each State must evolve its own constitution, suited to its own needs and conditions, and to the genius of its people. Without departing from the fundamental principles of development common to all forms of polity, it has been deemed necessary to maintain the character of the Representative Assembly as essentially a body for consultation and reference, as well as representation, directly voicing the needs of the people, and with a constitution sufficiently flexible to expand with the expanding political consciousness of the people, leaving to the Legislative Council the more formal work of legislation and other functions usually associated with such bodies.

I have no doubt that you will use your new powers to strengthen all the beneficent activities in the country, to spread education, to diffuse knowledge, to further industrial enterprise, both public and private, and to foster the civic virtues and the spirit of social service.

More especially would I urge you to instruct the people to practise thrift, to lay by provisions and money against drought and famine, which are such a distressing feature of our agricultural situation. With adequate previous preparation, it should be possible to combat more effectively the privations of the people such as we are witnessing in some districts of the State at the present time. The Standing Committees of the Legislature will, I hope, bring the popular representatives into closer association with the principal departments of Government. When the projected extension of Local Self-Government comes about and the powers of the District and Taluk Boards, Municipalities and Village Panchayets are enlarged, there will be many opportunities for men of ability to take part in public work, and for the local management of local interests.

There is a certain self-discipline which lies at the root of success, and which I feel you must observe for the serious treatment of public issues. I trust that, although party conflicts will be inevitable, your discussions will be conducted with mutual tolerance and respect, and will be consistent with decorum and with the dignity of a State Legislature. A wise restraint is necessary in expressing your views. Exaggeration and violence of speech defeat their own purpose. I would urge you also to make a thorough study of the subjects before you speak on them and, in all your pleadings, to place the interests of the State as a whole before those of any section or class. A third point which I would emphasise is that you must keep in close touch with the Government and the people and interpret the one to the other. In this way may we hope that the long silence of the depressed and the humble will be broken and full responsibility for their well-being shouldered by the educated and well-to-do classes.

It is the ambition of my life to see the people of State develop self-sustaining qualities, exhibit initiative and enterprise and take a front rank in all progressive movements and activities in the country. In making our plans for the future, we have got to take note of the tremendous changes of the recent past. India under the beneficent guidance of the British Nation, is shaping into a federation of Provinces and States. We, in Mysore form, as it were, a nation within a nation. While co-operating with both the Government of India and the rest of the Indian public in measures which lead to the prosperity of the country as a whole, we in our local sphere should promote education and economic growth to the fullest extent permitted by our resources, so that our people may not fall behind other Provinces and States in the race of progress.

That the history of Mysore in the recent past has run smoothly is a good omen for the future. We have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment of the people, and the quickening and utilising of their energies in the business of the State. Progress of this kind has been the constant aim of the Government of Mysore. The ceremony which I am performing to-day is thus a step in a continuous and well-ordered process of development, which has been going on for over forty years, and it is my hope that the process will continue with the same adaptability in the future.

You will find yourselves exercising a considerable, frequently a decisive, influence upon the policy of Government. Not merely your resolutions, but all that you urge in debate will be of high importance. I would have you apprehend with mind and heart this vital fact, that the interests of Government and people are identical. The happiness of the people is both the happiness and the vindication of Government. Any difference of opinion between the executive and yourselves—and such differences naturally occur, in all lands and all along the road of progress—can refer only to the means, never to the end. You can count upon responsiveness and goodwill in Government, as they certainly count upon them in you.

This day, therefore, marks the dawning of a new era in the history of Mysore. My faith in the power and willingness of my people to render patriotic service is firmly rooted in experience, and you may rely on my abiding sympathy with your aspirations. If every act of yours is guided by common sense, goodwill and useful study of facts and of experience, if your new powers are used only for the promotion of the common good, you cannot fail to rise in power and influence. You will help to build up the prosperity and reputation of our State, and will become custodians with me of its permanent interests.

Gentlemen, in all your efforts in these directions, I wish you success and Godspeed, and pray that strength, wisdom and clearness of aim may ever be yours.

## APPENDIX VII.

### Proposals for Constitutional Reforms in Mysore.

*(As passed by the All-Mysore Congress Committee, July, 1938.)*

PREFACE.

The Mysore Congress agreed to co-operate with the Committee constituted by the Government to consider and report on Constitutional Reforms in Mysore on a definite and explicit assurance that it was open to the Committee to discuss and recommend any plan for Constitutional Reforms, including a plan for responsible government under the ægis of His Highness the Maharaja.

The Working Committee of the Mysore Congress thereupon appointed a sub-committee to frame a scheme of responsible government for Mysore. The sub-committee presented a scheme to the Working Committee who in their turn went into it, effected certain changes therein and placed the same before the A.M.C.C. The A.M.C.C. has considered and adopted the scheme with a few alterations and the scheme as adopted is now published and placed before the country for acceptance.

The scheme aims at the establishment of a system of constitutional, parliamentary, and hereditary monarchy in Mysore or in other words, the establishment of Responsible Government under the ægis of H. H. the Maharaja. (1) It seeks to define the powers and privileges of the Maharaja, and to regulate the succession to the Throne and the institution of a Regency in case of necessity. (2) There will be a Council of Ministers to advise the Maharaja, consisting of a Prime Minister and not more than four other Ministers. The Council of Ministers will be collectively responsible to the Legislature. (3) The Legislature will consist of a single chamber of two hundred and fifty members elected on the basis of universal adult suffrage. (4) There is a declaration and guarantee of the Fundamental Rights of the citizens. (5) The entire budget will be subject to the vote of the Legislature, and there will be an independant Comptroller and Auditor-General for audit of accounts and control of the execution of the Budget. (6) A Public Service Commission will be constituted to deal with all questions of recruitment, control, etc., of public services. (7) The High Court will be placed on a par with the chartered High Courts of British India in regard to its constitution, powers and functions. Provision is made for the separation of executive from judicial functions and for ensuring the independence of the judiciary. (8) Provision for amendment of the constitution is also made. (9) Finally the attitude towards All-India Federation and the mode of election of representatives of the State to the Federal Legislature is mentioned. The details for the composition of the Legislature, the nature and delimitation of constituencies, the type of electorates, the mode of election, etc., are not embodied in the scheme. They are reserved for separate and special consideration.

It is hoped that the scheme will receive wide-spread attention and stimulate enlightened discussion.

BANGALORE,
*5—8—1938.*

K. CHENGALARAYA REDDY,
*Secretary,*
*Mysore Congress.*

# A SCHEME OF RESPONSIBLE GOVERNMENT IN MYSORE.

## I. Aim.

It is desirable that the people of Mysore should exercise the right of self-government under His Highness the Maharaja; a constitution for the exercise of such rights shall be immediately established.

## II. General Provisions.

1. The Mysore State shall be a constitutional, parliamentary and hereditary monarchy.

2. The people of Mysore have the right of governing themselves as free, sovereign and independent State; and do, and fo rever hereafter shall, exercise and enjoy every power, jurisdiction and right which is not, or may not hereafter be, by them in Legislature, assembled, expressly delegated to the sovereign authority in India.

3. All powers of government and all authority, legislative, executive and judicial, shall be exercised in the State through organisations established by or under, and in accord with, this Constitution.

4. The provisions of this Constitution referring to the Maharaja shall also refer to his heirs and successors in the sovereignty of Mysore.

5. The official language of the State shall be Kannada; but English and Hindustani shall be permitted.

## III. Fundamental Rights of Citizenship.

1. *Every person*—

(*a*) who was born, or whose father was either born or naturalised, within the territorial limits of the Mysore State and has not been naturalised as a citizen of any other country; or

(*b*) who being a subject of either an Indian State or the sovereign authority in India carries on business or resides in the territories of Mysore; as defined under law or

(*c*) who is naturalised in the State under the law in force for the time being, is a citizen of the Mysore State and shall within the limits of the jurisdiction of the State enjoy the privileges and be subject to the obligations of such citizenship: provided that no person who is a citizen of a foreign country can be a citizen of the State unless he renounces the citizenship of such foreign country in the manner prescribed by law.

2. (*a*) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated save in accordance with law.

(*b*) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(*c*) The right of free expression of opinion, the liberty of the press and the right to assemble peaceably and without arms and to form associations or unions, are hereby guaranteed for purposes not opposed to public order or morality.

(*d*) All citizens in the State have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the State and such right shall be enforceable as soon as due arrangements shall have been made by competent authority. Minorities in race and language shall be given primary instruction in their mother tongue under conditions to be prescribed by law.

(*e*) All citizens are equal before the law and possess equal civic rights.

(*f*) There shall be no penal law whether substantive or procedural of a discriminative nature.

(*g*) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(*h*) No corporal punishment or other punishment involving torture of any kind shall be lawful.

(*i*) Every citizen shall have the right to a writ of *habeas corpus*. Such right may be suspended in case of war or rebellion by an Act of Legislature or if the Legislative Assembly is not in session, by the Maharaja, and in such case the matter should be brought before the Legislative Assembly at the earliest opportunity for such action as it may deem fit.

Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court and any and every judge thereof shall forthwith enquire into the same and may make an order requiring the person in whose custody such person shall be detained to produce the body of the person so detained before such Court or judge without delay and to certify in writing as to the cause of the detention and such Court or judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law.

(*j*) There shall be no State religion for Mysore, nor shall the State either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(*k*) No person attending any school receiving State aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(*l*) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(*m*) All citizens have an equal right of access to, and use of, public roads, public wells and tanks, and all other places of public resort.

(*n*) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(*o*) No breach of contract of service or abetment thereof shall be made a criminal offence.

(*p*) Legislature shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment, and for ensuring fair rent and fixity and permanence of tenure of agricultural tenants.

(*q*) Every citizen shall have the right to bear arms in accordance with regulations made in that behalf.

(*r*) Men and women shall have equal rights as citizens.

(*s*) Every citizen against whom an offence has been committed by any official of the State or of a Local Authority in the exercise of his functions shall have the right to make complaint to the Court directly and without authorisation from any other person. The State or the Local Authority shall be answerable in the ordinary courts for damage inflicted on citizens by irregular exercise of their powers by their agents.

## IV. The Maharaja.

1. The Mysore State shall be reigned over and governed by a line of Maharajas in unbroken hereditary succession subject to the provisions of the Constitution.

2. The Maharaja shall confirm and promulgate the laws. He shall appoint State officials and confer military rank in accordance with the provisions of the law.

3. The Maharaja shall be the Commander-in-Chief of the Military forces of the State.

4. The Maharaja shall have the right to order amnesty, pardon, commutation of punishments and rehabilitation.

5. The Maharaja shall represent the State in all its relations with foreign States.

6. (*a*) The Maharaja shall summon the Legislative Assembly for ordinary or extraordinary sessions.

He shall open and close its sessions, personally by a speech from the Throne, or through the medium of the Council of Ministers by means of a message or order.

The speech from the Throne, message or order shall be countersigned by all the Ministers.

(*b*) The Maharaja shall have the right to dissolve the Legislative Assembly but the order of dissolution must make provision for the holding of the new elections within a period of not more than three months together with an order for the summoning of the House of Representatives within a maximum period of four months from the date of dissolution of the House. The order dissolving the house shall be countersigned by all the Ministers.

7. No act in exercise of the royal power shall be valid or capable of enforcement unless countersigned by the competent Minister. The competent Minister shall be responsible for all acts of the Maharaja,

oral or written, whether countersigned or not and for all his actions which are of a political nature. The Minister for Military Affairs shall be responsible for all acts of the Maharaja in his capacity as Commander-in-Chief of the Military forces of the State.

8. The Maharaja may not be at the same time head of any other State without the assent of the Legislative Assembly.

9. (*a*) The Maharaja and the Heir to the Throne who shall be styled the Yuvaraja, shall be of age on completing their eighteenth year.

(*b*) The person of the Maharaja is inviolable. He may not be made answerable at law nor subjected to any proceedings. This provision shall not extend to the private property of the Maharaja.

10. The Maharaja shall always profess the Hindu faith and belong to the Hindu race.

11. The Civil List of the Maharaja shall be determined by law for the duration of each reign.

12. (*a*) The Maharaja shall reside permanently in the State. If it should be necessary for him to be absent from the State for a short period, the Yuvaraja shall fill his place as of right. If the Yuvaraja is not of full age or is incapacitated, the Maharaja's place shall be taken by the Council of Ministers. The same provisions shall apply in the case of the illness of the Maharaja unless such illness involves permanent incapacity.

(*b*) During the absence of the Maharaja or the Yuvaraja the Council of Ministers shall not have the right to dissolve the Legislative Assembly.

(*c*) Substitution by the Council of Ministers may not last for a longer period than six months; after that period the provisions of the Constitution in respect of the Regency shall come into operation.

13. The royal power shall be exercised through a Regency (1) when the Maharaja is a minor; (2) when by reason of mental or bodily infirmity the Maharaja is permanently incapable of exercising the royal power.

The Legislative Assembly shall decide upon the institution and termination of the Regency.

The exercise of the Regency shall be vested of right in the Yuvaraja if he is of age. If the Yuvaraja is unable to exercise the powers of Regency by reason of his minority or by reason of permanent mental or bodily infirmity, the Legislative Assembly shall elect a Regent who shall hold office for a period of three years. If the Regency requires to be continued longer still, a further election shall take place for a period of three years.

The Regent must be a citizen of the State, at least forty-five years of age and of superior education.

Before taking up the responsibilities of the royal power the Regent shall take an oath to the Legislative Assembly that he shall be faithful to the Maharaja and will reign according to the Constitution and laws of the State.

The Regent shall have charge of the education of a Maharaja who is not of age and be the guardian of his property :

Provided that the Maharaja has not in his will designated the guardian to manage the property of a minor Maharaja.

The Regent during his term of office shall receive from the State Treasury the sum assigned to him by the Legislative Assembly at the time of his election.

14. Pending the election of the Regent, the Council of Ministers shall exercise the royal power temporarily and upon its own responsibility.

15. If under the terms of this Constitution there should be no heir to the Throne the Council of Ministers shall take over the royal power and shall forthwith summon a special session of the Legislative Assembly to decide the succession to the Throne.

## V. The Executive.

1. The executive power of the State is vested in the Mabaraja acting on the advice of the Council of Ministers subject to the provisions of the Constitution and the laws of the State.

2. There shall be a Council of Ministers consisting of the Prime Minister and, until Legislature otherwise provides, not more than four Ministers of the State.

3. The Prime Minister shall be appointed by the Maharaja and the Ministers shall also be appointed by him on the advice of the Prime Minister. The Ministers shall be sworn as members of the Council and shall hold office during the pleasure of the Maharaja.

4. A Minister who for any period of six consecutive months is not a member of the Legislative Assembly shall at the expiration of that period cease to be a Minister.

5. The salaries of Ministers shall be such as Legislature may from time to time by Act determine: provided that the salary of a Minister shall not be varied during his term of office.

6. The Council of Ministers shall be collectively responsible to the Legislative Assembly for all matters concerning the departments of the State administered by the Ministers and generally for all advice tendered by it to the Maharaja.

7. Until the Legislative Assembly otherwise provides, the appointment and removal of all other officers of the executive government of the State shall be vested in the Maharaja unless the appointment is delegated by the Maharaja or by a law of the State to some other authority.

8. (*a*) The Maharaja shall appoint a person, being a person qualified to be appointed a judge of the High Court of Mysore, to be Advocate-General for the State.

(*b*) It shall be the duty of the Advocate-General to give advice to the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Maharaja.

(*c*) The Advocate-General shall hold office during the pleasure of the Maharaja and shall receive such remuneration as he may determine.

9 As soon as possible after the Constitution comes into operation, the Maharaja shall appoint a permanent Public Services Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement and the superannuation of public officers as the Legislative Assembly may determine by law.

10. All executive action of the Government shall be expressed to be taken in the name of the Maharaja.

## VI. The Legislature.

1. There shall be a Legislature for Mysore which shall consist of the Maharaja and a chamber known as Legislative Assembly.

2. The Legislative Assembly shall consist of 250 members to be elected by constituencies determined by law: provided that Legislature shall have power to alter the number of Representatives.

3. Every citizen of either sex who has reached the age of twenty-one, and is not disqualified by law, shall have the right to vote for members of the Legislative Assembly.

4. Every citizen of either sex who has reached the age of twenty-five years and who can read and write and who is not placed under disability or incapacity by the Constitution or by law, shall be eligible to become a member of the Legislative Assembly.

5. (*a*) Every Legislative Assembly shall continue for three years from its first meeting:

*Provided that*:

(i) the Assembly may be sooner dissolved by the Maharaja, and

(ii) after the dissolution of the Assembly the Maharaja shall appoint a date not more than four months after the date of dissolution for the next session of the Assembly.

(*b*) A session of the Assembly shall be held at least twice a year.

6. (*a*) The Maharaja may appoint such times and places for holding the sessions of the Legislative Assembly as he thinks fit and may also from time to time prorogue such sessions.

(*b*) Any meeting of the Assembly may be adjourned by the person presiding.

7. (*a*) All questions in the Legislative Assembly shall be determined by a majority of votes of the members present and voting, other than the presiding member who shall, however, have and exercise a casting vote in the case of an equality of votes.

(*b*) The powers of the Assembly may be exercised notwithstanding any vacancy in the membership thereof, and any proceedings in the Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.

(*c*) If at any time during a meeting of the Assembly less than one-third of the total number of members of the Assembly are present, it shall be the duty of the Speaker or person acting as such either to adjourn the Assembly or to suspend the meeting until at least one-third of the members are present.

8. Every Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof.

9. There shall be paid to the Speaker, the Deputy Speaker and the Members of the Legislative Assembly such salaries and allowances as may be respectively fixed from time to time by Act of Legislature.

10. Subject to the provisions of the Constitution and the rules and standing orders regulating the procedure of the Legislative Assembly there shall be freedom of speech in the Assembly and no member thereof shall be liable to any proceedings in any court in respect of anything said, or any vote given by him in the Assembly or any Committee thereof, and no person shall be so liable in respect of the publication by or under the authority of the Assembly of any report, paper, votes or proceedings.

11. The Legislative Assembly shall make its own rules and standing orders with power to attach penalties for their infringement and shall have power to ensure freedom of debate, to protect its official documents and the private papers of its members and to protect itself and its members against any person or persons interfering with, molesting or attempting to corrupt its members in the exercise of their duties.

12. (*a*) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(*b*) No officer or other member of the Assembly in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or maintaining order, in the Assembly shall be subject to the jurisdiction of any Court in respect of the exercise by him of those powers.

13. The Legislature shall, subject to under the provisions of this Constitution, have power to make laws for the peace, order and good government in relation to all matters not coming in the classes of subjects assigned by treaty or otherwise to the sovereign authority in India.

14. A Bill passed by the Legislative Assembly shall not become an Act until the Maharaja signifies his assent thereto.

If the Maharaja does not approve the Bill, he shall return it to the Assembly with his objections for reconsideration. The Assembly shall reconsider the Bill with the objections. If after such reconsideration two-thirds of the total number of members of the Assembly shall agree to pass the Bill, it shall become law.

If any Bill shall not be returned by the Maharaja within thirty days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it in token of his assent.

15. (1) If at any time when the Legislature is not in sessions the Maharaja is satisfied that circumstances exist which render it

necessary for him to take immediate action he may promulgate ordinances as the circumstance may appear him to require.

(2) An ordinance promulgated as above shall have the same force and effect as an act of the Legislature assented to by the Maharaja, but every such ordinance

(*a*) shall be laid before the Legislative Assembly and shall cease to operate at the expiration of six weeks from the re-assembly of the Assembly ; or if before the expiration of that period resolutions disapproving it are passed by the Assembly, upon the passing of such resolutions ;

(*b*) may be withdrawn at any time by the Maharaja.

## VII. The Judiciary.

1. The judicial power of the State shall be vested in a High Court and in such inferior courts as the Legislature by law, may from time to time, ordain and establish.

2. There shall be a High Court consisting of a Chief Justice and until Legislature otherwise decides, not more than four judges.

3. Every judge of the High Court shall be appointed by the Maharaja and shall hold office until he attains the age of fifty-five years.

*Provided that—*

(*a*) a judge may by resignation under his hand addressed to the Maharaja resign his office ;

(*b*) a judge may be removed from his office by the Maharaja on an address from the Legislative Assembly in the same session praying for such removal on the ground of misbehaviour or mental or moral infirmity.

4. A person shall not be qualified for appointment as a judge of the High Court unless he—

(*a*) has been for at least five years a judge of a District and Sessions Court in Mysore or in India ; or

(*b*) has been for at least fifteen years an Advocate of the High Court of Mysore or of a High Court in India.

5. The judges of the High Court shall be entitled to such salaries and allowances and to such rights in respect of leave and pensions as may from time to time be fixed by law : provided that neither the salary of a Judge nor his rights in respect of leave of absence or pension shall be varied during his continuance in office.

6. The High Court shall be a court of record.

7. The number of judges, the constitution and organisation of, and distribution of business and jurisdiction among the High Court and the inferior courts and the judges thereof and all matters of procedure shall, subject to the Constitution, be as prescribed by the laws for the time being in force and the regulations made thereunder.

8. The judges of all the Courts subordinate to the High Court established in pursuance of this Constitution shall be appointed by the Maharaja on the recommendation of the High Court.

9. All judges shall be independent in the exercise of their functions and subject only to the Constitution and the law. A judge shall not be eligible to sit in the Legislative Assembly and shall not hold any other office or position of emolument.

10. The executive officers of Government shall have no judicial functions entrusted to them and the judiciary shall be under the control and superintendence of the High Court.

11. The High Court shall, to the exclusion of any other Court, have an original jurisdiction in all cases in which the validity of any law having regard to the provisions of the Constitution shall come into question.

12. All authorities, civil and judicial, in the State shall act in aid of the High Court.

13. The Maharaja's Ministers and the Judges of the High Court shall not be subject to the jurisdiction of any Court by reason of anything counselled, ordered or done by any of them in his public capacity only.

## VIII. Finances of the State.

1. All revenues or moneys raised or received by the Executive Government shall form one consolidated Revenue Fund, to be appropriated for purposes of the State in the manner and subject to the charges and liabilities imposed by this Constitution.

2. The costs, charges and expenses incident to the collection, management and receipt of the consolidated Revenue Fund shall form the first charge thereon; and the revenue of the State shall, in the first instance, be applied to the payment of the expenditure of the State.

3. No State loan can be raised, nor can the landed property of the State be alienated, exchanged or made subject to charges, nor can public contributions or taxes be imposed, by the Government except by law.

4. The Legislative Assembly shall each year approve the State Budget which shall be valid for a single year.

The financial accounts relating to the Budget of the previous financial year shall be submitted at the same time as the Budget, for verification and ratification by the Legislative Assembly.

The Budget shall be framed in such form as may be determined by law.

The Budget shall be approved chapter by chapter.

Balances not expended under one chapter of the Budget or in one financial year may not be used to make up deficits under another chapter or in another financial year without the approval of the Legislative Assembly.

The Legislative Assembly, before approving the Budget submitted to it, may vote provisional credits for one or more months.

If the Legislative Assembly has been dissolved before deciding on the Budget, the Budget for the preceding financial year shall be extended by order of the Maharaja for not more than four months.

5. Taxes shall be payable in accordance with the capacity of the tax-payer and shall be progressive.

6. The Maharaja shall be subject to State taxation on his private property.

7. The Maharaja shall appoint a Comptroller and Auditor-General to act on behalf of the State for the audit of the accounts of the State and for the control of the execution of the budgets of the State. The terms and conditions of his tenure of office shall be fixed by law and he shall not be removed from office except by the Maharaja on an address from the Legislative Assembly in the same session praying for such removal on the ground of misbehaviour or incapacity. He shall not be a member of the Legislative Assembly nor shall he hold any other office or position of emolument. The reports of the Comptroller and Auditor-General relating to the accounts and the budgets of the State shall be submitted every year to the Maharaja who shall cause them to be laid before the Legislative Assembly.

## IX. Amendment of the Constitution.

The Legislature may, by law, repeal or alter any of the provisions of the Constitution:

Provided that the Bill embodying the repeal or alteration shall be passed by at least two-thirds of the total number of members of the Legislative Assembly.

## X. The Indian Federation.

The people of Mysore can never accept the present scheme of Indian Federation framed by the Government.

The State of Mysore is ready to join an Indian Federation, the scheme of which is acceptable to the peoples of all parts of India.

The representatives of Mysore to the Legislative Houses of such an Indian Federation shall be directly elected by the people of Mysore.